United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 106th CONGRESS, FIRST SESSION

Vol. 145 WASHINGTON, WEDNESDAY, FEBRUARY 3, 1999 No. 19

Senate

The Senate met at 12 noon and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, we echo the prayer of the psalmist, ''Show me Your ways, O Lord; teach me Your paths. Lead me in Your truth and teach me, for You are the God of my salvation; on You I wait all the day.''—(Psalm 25:4–5. We know from experience that, when we wait on You, we do renew our strength; we are much more creative thinkers; and our relationships are more kind and caring. It is both comforting and challenging to know that You will be with us all day long. You will hear everything that is said and see all that is done. Therefore, we renew our commitment to excellence. In that spirit, we seek Your guidance in the ongoing business of the Senate today and the preparations for the next session of the impeachment trial tomorrow. The Senators need You, dear Lord. Thank You in advance for answering this prayer for Your blessing of each of them according to her or his particular need today and for the unity of the Senate as a whole. You are our Lord and Savior. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able Senator from Montana is recognized.

SCHEDULE

Mr. BURNS. Mr. President, on behalf of the majority leader, today the Senate will be in a period of morning business to allow Senators to speak and introduce legislation. There are a number of Senators who have indicated a desire to speak, and therefore Senators should expect the Senate to be in full session until late this afternoon. As previously announced, the Senate will resume consideration of the articles of impeachment beginning at 1 p.m. on Thursday.

I ask unanimous consent that Senator DASCHLE or his designee be in control of the time between the hours of 12 noon today and 1 p.m. and Senator COVERDELL or his designee be in control of the time from 1 to 2 p.m. I further ask unanimous consent that beginning at 2 p.m. Senators be recognized to speak in morning business for up to 5 minutes each.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BURNS. I thank my colleagues for their attention.

The PRESIDENT pro tempore. The able Senator from New Jersey is recognized.

Mr. LAUTENBERG. I thank the Chair.

MORNING BUSINESS

Mr. LAUTENBERG. Mr. President, it is my understanding that now we proceed directly to morning business. Is that correct?

The PRESIDING OFFICER (Mr. BURNS). That is correct.

THE CLINTON 2000 BUDGET

Mr. LAUTENBERG. Mr. President, on Monday morning just past, President Clinton submitted his annual budget to the Congress, but unlike prior submissions, this budget is much more than a plan for a single fiscal year; this is a long-term blueprint for the 21st century. It prepares for the impending retirement of the baby boomers. It ensures that younger Americans will enjoy the security of Social Security and Medicare. And it provides a $500 billion tax cut to promote savings by ordinary Americans.

Now, importantly, it achieves these goals while increasing national savings and dramatically reducing our public debt.

Mr. President, the Clinton budget is a historic one. It begins a new era in budget policymaking and promises to shape our Nation's future for years, for even decades, to come.

The Federal Government at long last has put its fiscal house in order. Last year was the first year since 1969 that we ran a budget surplus—a unified budget surplus, I point out. This year that surplus will be even larger. And many analysts see budget surpluses continuing for years to come.

Our Government is the smallest that it has been, on a relative basis, in a quarter century, and we have improved our fiscal condition for 7 years in a row—the best record in U.S. history.

Much of the credit for this success goes to President Clinton and the congressional Democrats, but I hasten to point out that much of the impetus that brought us to the point that we are came because we did this in a bipartisan fashion. And I speak as the ranking member of the Budget Committee. The President lent the considerable force of his office and his persuasion and worked with both Republicans and Democrats to get to this fairly enviable position to produce a balanced budget agreement. So there is plenty of credit to go around for an accomplishment that is well in place. I hope we can resume our work in similarly bipartisan and cooperative ways because there is so much left to be done.

In my view, President Clinton's budget submission provides an excellent roadmap for that work. The heart of the President's plan is its allocation of roughly 90 percent of projected budget surpluses to three key areas: Saving Social Security, strengthening Medicare, and cutting taxes to promote savings for ordinary Americans.

Social Security now is projected to be insolvent by 2032. The President's plan would preserve the program until

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

2055. The plan also would extend Medicare solvency from the year 2008 to 2020.

In addition, the budget includes a $500 billion tax cut to promote savings among ordinary Americans in new ''USA accounts.'' That is way more than a tax cut; it is a way to help all Americans invest in the private sector and share in the benefits of economic growth.

These priorities—saving Social Security, strengthening Medicare, and cutting taxes for retirement—are all designed to increase savings, and that is essential. After all, while we have a unified surplus today, our public debt—that debt owed outside our Government—is still $3.7 trillion. That is the debt owed to the public. We will also face huge unfunded liabilities when the baby boomers begin to retire.

We need to prepare for that future, and that is why it is important that we pay off our debts, reduce interest costs, and increase private investment. Federal Reserve Board Chairman Alan Greenspan testified that that is the best way to promote long-term economic growth. And it is the only way to ensure that when the baby boomers retire we will be able to meet our obligations.

Beyond devoting most of the budget surpluses for savings, President Clinton's budget also includes some important investments in our future. All are fully offset as required by budget rules and therefore protect the budget caps.

Perhaps most importantly, the budget makes a strong commitment to quality education. It would help modernize our schools, hire more teachers, reduce class size, and improve educational standards. Together these initiatives would help ensure that Americans are equipped to compete in the global economy. Everyone is aware that this century, the 20th century, has been defined as the American century because of the progress that we made. After winning two World Wars and having engaged in other conflicts that ultimately produced peace, American leadership was at the helm of global economic growth.

The budget also calls for a variety of other targeted tax cuts such as new credits to help families support long-term care and child care. It increases our commitment to our men and women in the military. It was made clear in newspapers across the country in the last few days that we are having significant problems recruiting and retaining those people that we would like to have serve us in the military. So it reflects the President's commitment to strengthen that; possibly to encourage young people to spend some time in the military and to encourage those who have experience and longevity to continue to do the job that they are capable of and not be attracted simply by a momentary better opportunity in the private sector.

The budget also reflects the President's commitment to strengthening our communities by hiring more police officers, cleaning up our environment, and fighting sprawl. We cannot go into every detail of the budget here today, but overall I think this is an excellent proposal. It is bold, it is innovative, and it has the right priorities for our future.

Unfortunately, I have been disappointed that the response to the President's budget, like other things that happen in Congress, has so far been too partisan. Some Republicans have accused the President of returning to an era of big government. This claim is so preposterous it is difficult to take it seriously when we look at the amounts of moneys being spent on government and see that, relative to the GDP, it is at the lowest point that it has been since 1974. This budget, after all, would reserve almost 90 percent of the surpluses for debt reduction. It would be hard to get more fiscally responsible.

I respect the views of my Republican colleagues who have honest disagreements with the President. I hope we can work together on this budget issue. However, I do want to express my strong opposition to one element of the Republican's budget plan, and that is their proposal for cuts across the board in tax rates.

I want to emphasize that I strongly support tax relief for ordinary Americans. In particular, I support the $500-plus billion in tax cuts for savings that are included in the President's budget for ordinary Americans. Unfortunately, the Republican position is to spend much of the budget surplus for tax rate cuts that go disproportionately to Americans with the highest incomes.

According to one analysis, the Republican proposal would provide more than $20,000 for those in the top 1 percent of earners who have incomes of more than $800,000. Just look at the chart. It looks like a fairly ridiculous comparison, but the top 1 percent of those earning $833,000—those folks are in the top 1 percent; that is not the entire 1 percent—they would get a tax cut of $20,697, but the person who works hard and is included in the 60 percent of our American wage earners whose incomes are below $38,000 would get a $99 tax cut. Mr. President, $20,000 for the high-income wealthy people, $99 for the average American; it is not fair and I hope that it will be reconsidered by our friends on the Republican side.

Even worse, these tax breaks for the highest income Americans would come at the direct expense of Medicare. Medicare has become such an important program in our society, such a commitment, that it is valued by Americans across the board. We see its effects on the better health and the longevity that our citizens enjoy and the quality of life they experience in those longer lives in their later years. So it would be wrong to sacrifice some addition to the solvency of Medicare for a tax break across the board that gives someone earning over $800,000 in a single year a $20,000-plus tax break.

President Clinton's budget reflects the values and priorities of most Americans, and I hope that many of its proposals will enjoy bipartisan support. The American public loves it when we work in a bipartisan fashion, and I noted that when we got to the balanced budget agreement for fiscal year 1997. We had all kinds of comments—it is a pleasure not to see any bickering, not to see any sharp diatribes, not to see any acerbic discussions; it is a pleasure to see Senators working together on behalf of all Americans.

So this focus for this budget is on the future: saving Social Security, strengthening Medicare, providing tax cuts and promoting savings for ordinary Americans. Together these policies will help ensure a vibrant economy and a secure future for all Americans. So I hope my colleagues will support the President's approach. I look forward to doing what I can to work with them to address the serious fiscal issues facing our Nation and to prepare us for the 21st century, which I think can become the second American century.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

THE NEED FOR PRESCRIPTION DRUG COVERAGE IN MEDICARE

Mr. KENNEDY. Mr. President, senior citizens deserve coverage of prescription drugs under Medicare, and it is time for Congress to see that they get it.

Medicare is a compact between workers and their government that says, ''Work hard, pay into the system when you are young, and we will guarantee health security in your retirement.'' But that commitment is being broken every day, because Medicare does not cover prescription drugs.

Prescription drug bills eat up a disproportionate share of the income of the typical elderly household. Senior citizens spend three times more of their income on health care than persons under 65, and they account for one-third of all prescription drug expenditures. Yet they make-up only 12 percent of the population.

The greatest gap in Medicare—and the greatest anachronism—is its failure to cover prescription drugs.

Because of this gap and other gaps in Medicare coverage, and the growing cost of the Part B premium, Medicare now pays only 50% of the out-of-pocket medical costs of the elderly. On average, senior citizens now spend almost as much of their income on health care as they did before Medicare was enacted.

Prescription drugs are the single largest out-of-pocket cost to the elderly for health services. The average senior citizen fills an average of eighteen prescriptions a year, and takes four to six prescriptions daily. Many elderly Americans face monthly drug bills of $100 or more.

When Medicare was enacted in 1965, coverage of prescription drugs in private insurance policies was rare—and Medicare followed that standard practice. Today, 99 percent of employment-based health insurance policies provide prescription drug coverage—99 percent. But Medicare is caught in a 34-year-old time warp—and senior citizens are suffering as a result.

Too many elderly Americans today face a cruel choice between food on the table and the medicine they need to stay healthy or to treat their illnesses. Too many senior citizens often take only half the pills their doctor prescribes, or don't even fill needed prescriptions—because they can't afford the high cost of the drugs. Too often, they are paying twice as much as they should for their prescription drugs, because they are forced to pay full price when those with private insurance policies get the advantage of negotiated discounts. As a result, many senior citizens end up in the hospital—at excessive cost to Medicare—because they aren't obtaining the drugs they need or are not taking them correctly. As we enter the new century, pharmaceutical products are increasingly the source of miracle cures for many dread diseases—and senior citizens will be left even farther behind if we fail to act.

The 21st century may well be the century of life sciences. With the support of the American people, Congress is on the way to the goal of doubling the budget of the National Institutes of Health over the next five years. This investment is seed money for the additional basic research that will enable scientists to develop new therapies to improve and extend the lives of senior citizens and all citizens.

In 1998 alone, private industry spent more than $21 billion for research on new medicines and to bring them to the public. These miracle drugs save lives—and they save dollars too, by preventing unnecessary hospitalization and expensive surgery. All patients deserve affordable access to these medications. Yet, Medicare, which is the nation's largest insurer, does not cover outpatient prescription drugs, and senior citizens and persons with disabilities pay a heavy daily price for this glaring omission.

America's senior citizens and disabled citizens deserve to benefit from new discoveries in the same way that other families do. Yet, without negotiating power, they receive the brunt of cost-shifting—with often devastating results. In the words of a recent report by Standard & Poor's, ''Drugmakers have historically raised prices to private customers to compensate for the discounts they grant to managed care consumers.'' The so-called ''private'' customers referred to in this report are largely our nation's mothers, fathers, aunts, uncles, grandmothers, and grandfathers.

Up to 19 million Medicare beneficiaries are forced to fend for themselves when it comes to purchasing these life-saving and life-improving therapies. They have no prescription drug coverage from any source. Other Medicare beneficiaries have some coverage, but too often it is inadequate, unreliable and unaffordable.

About 6 percent of senior citizens have limited coverage through a Medicare HMO. While the majority of Medicare HMO plans offer prescription drug coverage, the benefits vary widely. Some plans cap the benefit at just $300 a year or less. Imagine that, $300 a year or less. In addition, the current trend is for HMOs to cut back on drug coverage or, in extreme cases, leave the Medicare market altogether. We have tried to remedy this problem in Massachusetts, but clearly it is a national problem, and it requires a national solution.

An additional 12 percent of Medicare beneficiaries purchase an independent medigap policy with prescription drug coverage and coverage of other gaps in Medicare. Only three of the ten standard medigap benefit packages even include insurance for prescription drugs. These plans are difficult to obtain, because even the most generous companies refuse to cover all people who walk in the door.

They fear that only those who urgently need the coverage will sign up, so the plans contain escape clauses that exclude applicants with pre-existing conditions. Even if they decide to issue a policy, often there are no limits on what these private companies can charge. As a result, medigap plans with drug coverage are often out of reach for senior citizens. For those fortunate enough to obtain the coverage, the benefits are limited and the costs are high.

Another 10 percent are Medicare beneficiaries are eligible for coverage under Medicaid. This coverage is an important part of the safety net for our poorest elderly and disabled citizens, but it offers no help to the vast majority of senior citizens.

Finally, a third of all Medicare beneficiaries have reasonably comprehensive coverage through a retiree health plan. These plans, which are offered through their former employers, supplement Medicare, and the prescription drug benefits are often generous. But increasingly, retiree health benefits are on the chopping block as companies cut costs by reducing health spending.

Despite Medicare's lack of coverage for prescription drugs, their misuse results in preventable illnesses that cost Medicare as much as $16 billion annually, while imposing vast misery on senior citizens. It is in our best interest, and in the best interest of Medicare, to reform it in ways that encourage proper use and minimize these abuses.

Savings can be achieved when physicians and pharmacists are better educated on the needs of senior citizens and the potential problems they face in obtaining and using their medications.

Savings can also be achieved when senior citizens are assisted in learning how to follow the instructions that are dispensed with their medications. Too often, patients shortchange themselves. They take half doses or try to stretch out their prescription to make it last longer. This is wrong, and it doesn't have to happen. If elderly patients know that the drugs they need will be affordable, compliance will improve, and so will their quality of life.

President Clinton has correctly identified prescription drug coverage as one of the very highest priorities for Medicare reform. I hope we can reach a broad bipartisan consensus in the coming weeks that any Medicare reform worth the name will include coverage of prescription drugs. The health and financial security of millions of senior citizens depend on it, and we owe it to them to act as soon as possible.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

IMPEACHMENT AND THE CONSTITUTION

Mr. DORGAN. Mr. President, I wanted to call the attention of my colleagues to a piece that was written by our distinguished Senator from West Virginia, our colleague, Senator BYRD, that appeared in today's Washington Post entitled ''Don't Tinker With Impeachment.''

The reason I want to do that is there are discussions occurring now, according to some of my colleagues and accounts in the newspaper and on television, about trying to create a mechanism to require a vote in the Senate during the impeachment trial on the findings of fact prior to a vote on the articles of impeachment themselves.

I was just looking at the Constitution in our Senate manual, and, of course, article III in the Constitution establishes the basis for impeachment, and it is simple, direct and provides nothing of the sort that would lead Senators to believe that they can bifurcate the vote in the Senate in an impeachment trial first to findings of fact and have a majority vote on findings of fact and then to move toward a vote on the two articles of impeachment that are currently in front of the Senate.

But I think the article written by our colleague, Senator BYRD, provides the best description of the difficulty with these findings of fact. Let me read just a few comments, and I ask unanimous consent to have the article printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. DORGAN. Mr. President, the article, in part, by Senator BYRD says:

The notion of trumping the articles of impeachment with even a ''broad'' findings of fact flies in the face of what the Framers of the Constitution intended. They deliberately set the bar high when it came to the vote on articles of impeachment, first by requiring a supermajority of two-thirds of the Senate to convict, and second, by fusing the penalty—[that is] removal from office [being the penalty]—into the question of guilt.

In voting on articles of impeachment [he goes on to say] senators must answer not one but two questions: Is the president guilty or not guilty of committing high crimes and misdemeanors, and, if he is guilty, do his actions warrant removal from office?

Continuing to quote from Senator BYRD's article:

This was not a casual coupling on the part of the Framers. Their intent was to force senators to set aside their own passions and prejudices and focus instead on the best interests of the nation. To lift this burden from the shoulders of senators by offering them a way to convict the president without having to accept responsibility for removing him from office would, in effect, bastardize the impeachment process.

Moreover [he says] the aftershocks would be felt long after this impeachment has faded into history. No longer would senators be confined to the articles of impeachment formulated by the House of Representatives. No longer would senators need a two-thirds majority vote to pronounce a president guilty. From this time forward, they could cite the precedent set by the Senate in the 106th Congress as giving them carte blanche to write, and approve by a simple majority, ersatz articles of impeachment cloaked as ''findings of fact.''

Senator BYRD, as always, finds the bull's-eye in this debate. This is not some ordinary debate; this is a debate about constitutional requirements and responsibilities and what the provisions of the Constitution mean with respect to impeachment.

The impeachment article provisions of the Constitution require, when impeachment articles are voted by the U.S. House of Representatives and sent to the Senate, that a trial must commence, and the vote on the articles of impeachment would be conducted by the Senate; and two-thirds of the Senate would have to vote guilty on those articles of impeachment in order to remove a President from office.

But it doesn't bifurcate the vote, doesn't call for extra procedures, doesn't call for findings of fact, doesn't allow some Senators to say, ''Yes, that's what the Constitution says but we're going to create a new, or pretend there's a new, provision in the Constitution without having the difficulty of debating Madison and Mason and Hamilton and Franklin over our proposal. We'll just pretend it's in the Constitution. And we'll have separate votes on findings of fact. And in fact, doing that, we can have our own little vote and create our own little result with only 51 Members of the Senate voting in favor of our resolution.''

That is a terrible idea and, in my judgment, stands this Constitution, and the article of impeachment provisions in this Constitution, on its head. But Senator BYRD says it much better than I do. I will, as I indicated, include his article at the conclusion of my remarks.

This Constitution, written in a room in Philadelphia over 200 years ago, is quite a remarkable document. It established the separation of powers. It established the framework for a new kind of Government that has worked remarkably well. If those who watch these proceedings and become interested in the Constitution would go to that room in Philadelphia, they would see that that room still exists. It is called the Assembly Room in Constitution Hall.

That room, which is smaller than the Senate Chamber, has a chair in the front of the room where George Washington sat as he presided over that Chamber. The same chair sits there today. And you will see where Mason sat, Madison, Franklin, and others who wrote this Constitution. They wrote it on a hot Philadelphia summer with the curtains drawn to keep the heat out of that room, and they created this remarkable document that is printed here in the Senate Manual. And that is the document by which we in the Senate are now conducting an impeachment trial.

I come to the floor today only to say that I think there is great danger in believing there are things written in this Constitution that don't exist in the Constitution. There is danger, in my judgment, in suggesting ways or mechanisms by which some can vote and create majority votes on some extraordinary findings of fact that are not provided for in this Constitution.

In this impeachment trial, there is one of two results, and that is a vote on the two articles of impeachment that have been sent to the U.S. Senate by the House of Representatives. That vote will be a vote cast by each and every Member of this Senate, and the vote will be either a vote to convict or a vote to acquit—guilty or not guilty on the two articles of impeachment. And my hope is that when the Senate reconvenes in the impeachment trial, all Senators will have read this rather remarkable article by the preeminent constitutional scholar in this Chamber and the historian of this U.S. Senate, the esteemed Senator BYRD.

EXHIBIT 1

[From the Washington Post, February 3, 1999]

DON'T TINKER WITH IMPEACHMENT

(By Robert C. Byrd)

While the lawyers are busy deposing witnesses in the Senate impeachment trial of the president, a number of senators are continuing to work quietly behind the scenes to chart a course that will end the trial with a minimum of political carnage. One route currently being investigated is a so-called ''findings of fact,'' an extravagant novelty by which a simple majority of the Senate could condemn the president's behavior within the framework of the impeachment process without being forced to remove him from office.

This convict-but-don't-evict strategy appeals to some senators who have no appetite for prolonging a trial whose outcome is all but certain. At the same time, they are squeamish about the likelihood of an all-but-inevitable acquittal without having some vehicle to first register their condemnation of the president's actions. No doubt their motives are sincere, and I applaud their ingenuity, but this findings-of-fact proposal is not the answer. While the Senate sits in the impeachment trial, it is not in legislative session. The insertion of such a legislative mutant into the impeachment proceedings would subject the process to some very experimental genetic engineering.

The notion of trumping the articles of impeachment with even a ''broad'' findings of fact flies in the face of what the Framers of the Constitution intended. They deliberately set the bar high when it came to the vote on articles of impeachment, first by requiring a supermajority of two-thirds of the Senate to convict, and second, by fusing the penalty—removal from office—into the question of guilt.

In voting on articles of impeachment, senators must answer not one but two questions: Is the president guilty or not guilty of committing high crimes and misdemeanors, and, if he is guilty, do his actions warrant removal from office?

This was not a casual coupling on the part of the Framers. Their intent was to force senators to set aside their own passions and prejudices and focus instead on the best interests of the nation. To lift this burden from the shoulders of senators by offering them a way to convict the president without having to accept responsibility for removing him from office would, in effect, bastardize the impeachment process.

Moreover, the aftershocks would be felt long after this impeachment has faded into history. No longer would senators be confined to the articles of impeachment formulated by the House of Representatives. No longer would senators need a two thirds majority vote to pronounce a president guilty. From this time forward, they could cite the precedent set by the Senate in the 106th Congress as giving them carte blanche to write, and approve by a simple majority, ersatz articles of impeachment cloaked as ''findings of fact.''

And why stop at findings of fact? If the Senate can ignore the intent of the Framers to combine a guilty verdict with removal from office in an impeachment trial, maybe senators can find a way around the constitutional prohibition against bills of attainder, or legislative punishments.

The Senate impeachment trial takes place in a quasi-judicial setting, and findings of fact would move the Senate headlong into an area reserved for the judicial system, where the Senate, under the separation of powers principle, dares not go.

Findings of fact would become part of a quasi-judicial record that could not subsequently be amended or overturned. Could such a record of findings of fact be later used by an independent counsel before a federal grand jury in an effort to secure an indictment? If this or any president were to be indicted, could such findings be introduced as evidence in a subsequent trial in an effort to sway a jury and bring about a conviction? Who knows what monsters this rogue gene might spawn in future days?

The impeachment process, as messy and uncomfortable as it may be, is working as designed. This is neither the time nor the place for constitutional improvisation. No matter how sincere the motivation, our nation and our Constitution will not be well served by this sort of seat-of-the-pants tinkering.

A post-trial censure resolution that does not cross the line into legislative punishment is something else. It can and should be considered by the Senate after the court of

impeachment has adjourned sine die. Censure is not meaningless, it will not subvert the Constitution, and it will be indelibly seared into the ineffaceable record of history for all future generations to see and to ponder. For those who fear that it can be expunged from the record, be assured that it can never be erased from the history books. Like the mark that was set upon Cain, it will follow even beyond the grave.

Mr. DORGAN. Mr. President, I yield the floor.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that I may have up to 10 minutes to make a statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. I thank the Chair and wish the Presiding Officer a good day.

ENERGY SECURITY

Mr. MURKOWSKI. Mr. President, first of all, I want to raise with my colleagues two issues that revolve around energy security. The first issue is the state of the domestic oil industry and the second issue is the Oil-for-Food Program for Iraq. I think that this marks the first departure from the debate on the impeachment, and I hope the Presiding Officer will find it refreshing.

Last week, the Energy and Natural Resources Committee, which I chair, held a hearing to review the state of the domestic petroleum industry, and to assess the threat to our economic security from our growing dependence on foreign oil. The domestic oil industry in the United States is in serious trouble. Companies are laying off workers in droves. In my State of Alaska, British Petroleum, just announced the layoff of some 600 workers, and another one of our major oil companies lost somewhere in the area of just under $800 million in the last quarter of 1998.

Exploration and drilling budgets are way down. Drilling contractors have been cut to the bone. Marginal and stripper wells are being shut in. These are production capabilities, Mr. President, that, once lost, will unlikely be regained. These, to a large degree, represent an ongoing operating petroleum reserve—one might conclude a strategic petroleum reserve—because while they are small, they are substantial in their numbers and contribute to domestic production.

Now, to quote a recent report by the John S. Herold Company, 1998 was a ''catastrophe'' for the U.S. oil industry, ''nothing short of murderous for investors'' in that industry. We are seeing mergers and consolidations, significant implications for the Nation's energy security, and certainly U.S. jobs—30 merged companies alone last year.

This situation in the oil industry is interesting, as we look at the commodities in this country. As the Presiding Officer is well aware, the agricultural industry—production, livestock, hogs, beef—the farmers can hardly raise them anymore. Many aspects of the agricultural industry are under water. This is true of the timber industry. It is true of the steel industry. It is true of the mining industry, and certainly true of the oil and gas industry.

So as we reflect on the prosperity of this country, it is interesting to note the job losses in the commodities industries of this country—and one has to wonder when it is going to catch up with itself. Of course, we enjoy low gasoline prices when we fill our car or boat, low heating oil prices when we warm our home, and low inflation due in large measure to low oil prices. Let's recognize where it is.

But a decimated U.S. oil industry creates a risk to consumers, to the economy, to our national energy security. And we only have to look back at history. Some say we learn from history, and some say not much. Well, we recall the 1973 Arab oil embargo when we were only 36 percent dependent on foreign imported oil. That had a devastating impact on consumers and the economy. We saw oil shortages, and long lines at the gas stations. Many people have forgotten that timeframe—soaring prices, double-digit inflation, and an economy put into recession. What was the prime rate at that time? Well, the prime rate was 20.5 percent in 1980. Inflation was in the area of 11 percent—double-digit.

If it happened today, we could be hit even harder. And we are getting set up for it because we are in worse shape today than we were in 1973. Since 1973, our foreign dependence has grown by leaps and bounds. U.S. crude oil production dropped by one-third. U.S. oil imports—oil imports—soared by two-thirds.

Today, U.S. foreign oil dependence is 56 percent, compared to 36 percent back in 1973. Our excessive foreign oil dependence puts our national energy security interests at stake and hence our national security at stake. We can't forget that the United States went to war in 1991 when Iraq invaded Kuwait and threatened the world oil supplies. Part of that was our supply.

In 1995, President Clinton issued a Presidential finding that imports of oil threatened our national security, and a short time ago the U.S. bombed Iraq because Saddam continues to threaten the stability in the Persian Gulf. Well, it is fair to say, Mr. President, if we do nothing, what will happen: We know things are going to get worse.

The Department of Energy projects in the year 2010 U.S. foreign dependence will hit about 68 percent. That means we will be depending on foreign sources for 68 percent of our oil supply.

I don't think we should put our trust in foreign oil-producing nations that have their interests in mind, not ours. I plan to work closely with the small and independent producers to develop a solution to this crisis. Already I have cosponsored Senate bill 325, a bill introduced by my colleague from Texas, Senator KAY BAILEY HUTCHISON, that would amend the Tax Code to add marginal producers. I will work as a member of the Finance Committee to consider this and see it is adopted.

I also intend, with Senators from producing States, to consider a non-tax means to assist domestic production through regulatory and land access issues.

Second, I want to talk about oil-for-food and our relations with Iraq. This deals with our energy security; that is, our U.S. policy towards Iraq, specifically, the U.N. Oil-for-Food Program. Six weeks have passed since President Clinton ordered America's Armed Forces to strike military and security targets in Iraq. What has Saddam's regime done since then? They have shot at U.S. fighter planes on almost a daily basis. They have challenged Kuwait's right to exist. They have demanded compensation for U.N. crimes against Iraq—isn't that ironic. They have demanded an end to sanctions and no-fly zones. They have reiterated that no weapons inspectors will be allowed to return. That is a pretty bold statement.

Now, what policy initiative has the Clinton administration launched to deal with Saddam's defiance? U.S. officials offered to eliminate the ceiling on the Oil-for-Food Program, a de facto ending of the sanctions on oil exports. My views on the absurdity to this proposal were included in a recent Washington Post op-ed, and I ask unanimous consent that be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Jan. 25, 1999]

OUR TOOTHLESS POLICY ON IRAQ

(By Frank H. Murkowski)

On the eve of Operation Desert Fox, President Clinton announced to the nation that ''we are delivering a powerful message to Saddam.'' That message now appears to be that as long as Saddam Hussein refuses to cooperate with inspections, refuses to comply with U.N. resolutions and refuses to stop illegally smuggling out oil, he will be rewarded by the de facto ending of economic sanctions.

At least, that was the message sent by the U.S. Ambassador to the United Nations Peter Burleigh on Jan. 14 when he offered a plan to eliminate the ceiling on how much oil Iraq can sell abroad. This proposal was in reaction to a proposal (made by France and supported by Russia and China) to end the Iraq oil embargo.

Do not be fooled. The distinctions between the U.S. plan and the French plan are meaningless. This is the end of the U.N. sanctions regime. Security Council Resolution 687, passed in 1991 at the end of the Gulf War, requires that international economic sanctions, including an embargo on the sale of oil from Iraq, remain in place until Iraq discloses and destroys its weapons of mass destruction programs and capabilities and undertakes unconditionally never to resume such activities. This, we know, has not happened.

But the teeth in Resolution 687 have effectively been pulled, one by one, with the introduction and then continued expansion of

the so-called oil-for-food exception to the sanctions. Although the humanitarian goals of the oil-for-food program are worthy, Saddam Hussein already has subverted the program to his own benefit by using increased oil capacity to smuggle oil for hard cash and by freeing up resources he might have been forced to use for food and medicine for his own people.

The increase in illegal sales of petroleum products coincided with implementation of the oil-for-food program in 1995. Part of this illegally sold oil is moving by truck across the Turkish-Iraqi border. A more significant amount is moving by sea through the Persian Gulf. Exports of contraband Iraqi oil through the gulf have jumped some 50-fold in the past two years, to nearly half a billion dollars. Further, Iraq has been steadily increasing illegal exports of oil to Jordan and Turkey.

Oil is Saddam Hussein's lifeline; it fuels his ability to finance his factories of death and rebuild his weapons of mass destruction. Revenue from oil exports historically has represented nearly all of Iraq's foreign exchange earnings. In the year preceding Operation Desert Storm, Iraq's export earnings totaled $10.4 billion, with 95 percent attributed to petroleum. Iraq's imports during that same year, 1990, totaled only $6.6 billion.

The United States proposes to lift the ceiling on the only export that matters. In addition, it is prepared to relax the scrutiny applied to contracts for spare parts and other equipment needed to get Iraqi industry working better.

France, China and Russia, of course, did not support Desert Fox, and have wanted to lift the Iraq embargo for some time. They are willing to put economic gain before international security, because these appeasers of Iraq stand to earn billions in a post-sanctions world. In fact, earlier this month, the U.N. released more than $81 million under the expanded oil-for-food program to enable Iraq to buy electrical generating equipment, nearly all of which ($74.9 million) will come from China. Will these new turbines merely guarantee an uninterrupted power supply for Saddam Hussien's poison gas facilities?

Why is the Clinton administration prepared to take this course? Because our Iraq policy is bankrupt. We have relied on Koki Annan and the Iraq appeasers to sign meaningless deals with Saddam Hussein regarding inspections that were useless from the moment they were signed. When we called back our aircraft at the last moment in October, despite the unanimous support of the Security Council for the attack, our Iraq policy suffered a near-fatal collapse. It finally did collapse when we decided to strike at a time when the president's credibility was at its lowest and the approach of Ramadan guaranteed Saddam Hussien easily could outlast our attack. Indeed the absurdity of our policy is reflected in the fact that in December our bombers targeted an oil refinery in Basra and at the end of the attack we pledged support to rebuild Iraq's oil-export capacity.

The inept policies that have brought us to this point must be reversed. As a first step, the administration ought to turn back from its path toward lifting, rather than tightening, the sanctions on Saddam Hussein. Second, when the U.N. reconsiders reauthorizing the oil-for-food program in May, the United States should use its veto to end this program, which has allowed Saddam Hussein to rebuild his political and military support.

We can bring Saddam Hussein to his knees by eliminating his ability to market any of his oil, thereby cutting off his cash flow. Not only should the United States strengthen oil interdiction and inspection operations, the administration should consider adopting a policy similar to the air blockade we enforce in the ''no-fly'' zone. A strictly enforced ''no-oil-export'' policy is what is called for.

Only then will Saddam Hussein realize that cooperation with U.N. inspectors is the only way to rebuild his economy. The policy predicated on so-called humanitarian grounds—oil for food—not only has failed but has ensured the survival of Saddam Hussein.

Mr. MURKOWSKI. Mr. President, I don't have time to go into that in depth, but let me remind my colleagues of a few things. One, the United Nations Security Council Resolution 687 passed in 1991 at the end of the Persian Gulf War requires that international economic sanctions, including an embargo on the sale of oil from Iraq, remain in place until Iraq discloses and destroys its weapons of mass destruction programs and capabilities and undertakes unconditionally never to resume such activities.

But the teeth in Resolution 687 have effectively been pulled out one-by-one with the introduction and then continued expansion of the so-called oil-for-food exception to the sanctions: In 1995, UNSCR 986 allowed Iraq to sell $2 billion worth of oil every 6 months. Iraq produced 1.2 million barrels per day in 1997. In 1997, UNSCR 1153 doubled the offer to $5.2 billion in oil every 6 months. Iraq is now producing 2.5 million barrels of oil. In 1999, United States, France, and Saudi Arabia will offer varying plans on removing the limit on how much oil Iraq can sell and for what purpose.

This means that Iraq's oil production of 2.5 million barrels per day equals—their production now equals—the pre-war production levels in the year preceding Desert Storm. Iraq's export earnings total $10.4 billion, with 95 percent attributed to oil, which is Iraq's only significant identifiable cash flow. Iraq's imports that same year were only $6.6 billion.

The President's National Security Advisor, Sandy Berger, takes issue with my characterization of the U.S. proposal. In a Washington Post editorial, he said that under the Oil-for-Food Program:

> We prevent Saddam from spending his nation's most valuable treasure on what he cares about most—rebuilding his military arsenal—and force him to spend it on what he cares about least—the people of Iraq. From Saddam's point of view, that makes the program part of the sanctions regime.

I ask unanimous consent that editorial in the Washington Post be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post]

OIL FOR FOOD: THE OPPOSITE OF SANCTIONS

(By Samuel R. Berger)

The Post's Jan. 17 editorial ''Rewarding Saddam Hussein'' endorsed the administration's policy of containing Iraq and our continued readiness to back that policy with force. Unfortunately, it also misconstrued important elements of our approach to sanctions to Iraq. The confusion was compounded by a Jan. 25 op-ed by Sen. Frank Murkowski (R-Alaska). Both took issue with what the editorial referred to—incompletely—as an administration statement offering ''to eliminate the ceiling on how much oil Iraq is permitted to sell.'' The second half of that statement—which the editorial omitted—read: ''to finance the purchase of food and medicine for the Iraqi people.''

Under the U.S. proposal, Iraq could pump as much oil as is needed to meet humanitarian needs. All the revenue would go directly to a U.N. escrow account, as it does now. From that account, checks could be written—directly to the contractor—to buy food, medicine and other humanitarian supplies, as well as parts for equipment that we know is being used to pump oil for this program. These supplies then would be distributed under U.N. supervision. Saddam would never see a dime.

The Post and Sen. Murkowski also asserted that our proposal to increase the flow of humanitarian aid to Iraq is no different from proposals to lift sanctions. In fact, it is in direct opposition to them.

If sanctions were lifted, the international community no longer could determine how Iraq's oil revenues are spent. The oil-for-food program would have to be disbanded, not expanded. Billions of dollars now reserved for the basic needs of the Iraqi people would become available to Saddam to use as he pleased. The amount of food and medicine flowing into Iraq most likely would decline.

In contrast, under the current program, we prevent Saddam from spending his nation's most valuable treasure on what he cares about most—rebuilding his military arsenal—and force him to spend it on what he cares about least—the people of Iraq. From Saddam's point of view, that makes the program part of the sanctions regime.

Indeed, Saddam already has rejected our initiative to expand it. He knows that every drop of oil sold to feed the Iraqi people is a drop of oil that will never be sold to feed his war machine. Oil for food means no oil for tanks.

Saddam's intent is clear: He is cynically trying to exploit the suffering of his people—for which he is responsible—to gain sympathy for his cause and to create a rift in the international coalition arrayed against him. In this way, he hopes to build support for ending sanctions so that he can resume his effort to acquire weapons of mass destruction.

But he is failing. In recent weeks, opinion has hardened against Saddam in Arab countries. On Sunday, the Arab League called on Iraq to stop provoking its neighbors and to comply with U.N. resolutions. Newspapers in Egypt and Saudi Arabia have called for Saddam's ouster. But there remains strong public sympathy for the Iraqi people.

The effect of our policy is to make clear that the source of hunger and sickness in Iraq is not sanctions but Saddam. After the Gulf War ended, the United States made certain that food and medicine would never be subject to sanctions. Saddam always has been free to import them. When he refused to do so, the United States took the lead in proposing that Iraq be allowed to sell controlled quantities of its oil in order to purchase humanitarian supplies. Remarkably, until 1996, Saddam refused to do even that.

Currently, the United Nations allows Iraq to spend up to $5.2 billion in oil revenue every six months for humanitarian purposes. Saddam is so indifferent to the suffering of his people that he still refuses to make full use of this allowance. But the food supply in Iraq has grown, and soon will provide the average Iraqi with about 2,200 calories per day, which is at the top of the United Nations' recommended range.

To leave no doubt about who is responsible for the suffering of Iraq's people, we are willing to lift the $5.2 billion ceiling to allow Iraq—under strict supervision—to use as much oil revenue as is necessary to meet humanitarian needs. In the meantime, we will continue to enforce sanctions against Iraq and remain prepared to take action against any oil facilities being used to circumvent them.

Critics of this effort imply we should starve Iraq into submission. They forget that starving Iraq is Saddam's strategy. The oil-for-food program helps us to thwart it.

The program does not reward Saddam; it further restrains him, while relieving the suffering of ordinary Iraqis. It has helped to deepen Saddam's isolation, and it will remain a logical part of our strategy against him and the threat he poses.

Mr. MURKOWSKI. In conclusion, I don't care much about Saddam's point of view, but from the point of view of this Senator from Alaska, what this program does is allow Saddam to use his increased oil capacity to smuggle oil for hard cash and free up resources he can use to finance his weapons of mass destruction. Saddam's cash flow is oil. The smuggling is documented. The displacement issue is harder to track, but Saddam's war machine is still working and his troops are still fit.

Let me take issue with the definition of ''humanitarian supplies.'' The most recent U.N.-approved plan would allow Saddam to spend this oil-for-food money, and I think it is interesting to reflect where is he spending his money. Let's look at it, because I think it counters Sandy Berger's remarks that this is going for ''humanitarian'' purposes: $300 million for petroleum equipment; $409 million for electricity networks; $126 million for telecommunication systems; $120 million to buy trucks, repair the railway system, and build food warehouses; $180 million for agriculture equipment, including pesticides.

What is the humanitarian goal in guaranteeing an uninterrupted power supply for Saddam's poison gas facilities? What is the humanitarian goal in making sure his elite guards can communicate with each other?

And finally, with a new emphasis on building an effective Iraq opposition, I wonder how an opposition can take root when Saddam is able, through the Oil-for-Food Program, to take care of his citizens' basic needs?

The chairman of the Foreign Relations Committee, Senator HELMS, and I will be holding a joint hearing of the Foreign Relations Committee and the Energy Committee next week to ask the administration these questions. I have asked Sandy Berger to come up and defend his arguments, along with Secretary Richardson and Under Secretary Pickering.

I ask unanimous consent to have printed in the RECORD an excellent analysis of the various proposals for changing the sanctions by Patrick Clawson from the Washington Institute.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[The Washington Institute, January 19, 1999]

ASSESSING PROPOSALS FOR CHANGING U.N. RESTRICTIONS ON IRAQ

(By Patrick Clawson, with Nawaf Obaid)

In the last two weeks, France, the United States, and Saudi Arabia have all proposed changes in UN restrictions on Iraq. While all would have the effect of cutting Saddam some slack, intriguingly, the Saudi plan is about as good as the American.

The French Proposal. The French proposal is soft both on inspections and on sanctions. In the words of Foreign Minister Hubert Vedrine, the French proposal aims at ''preventing any *new* [emphasis added] development of weapons of mass destruction [WMD].'' Vedrine proposes no action be taken about what he describes as ''remaining [WMD] stocks that may have escaped control or destruction''—stocks that include some long-range missiles and biological weapons materials. The French-proposed inspection system would be built on the model of the International Atomic Energy Agency (IAEA), rather than UNSCOM. Since the Gulf War, the IAEA has continued its practice of looking primarily at fissile material rather than at the full scope of activities needed to make a nuclear weapon. Intelligence reports suggest Iraq has produced weapon components from which functioning nuclear weapons could be assembled soon after Iraq acquired fissile material. The French proposal may be the most intrusive regime that Saddam would accept. Yet, France is asking the wrong question; the issue is not what Saddam will accept, but what will accomplish the goal of eliminating the threat of Iraqi WMD. From this perspective, France's plan comes up short.

France has also proposed that Saddam be permitted to use oil export receipts as he wishes, subject only to the restriction that he not import arms or dual-use technologies. The practical effect of this proposal would be to allow Saddam to reduce food and medicine imports to fund his priorities. The French proposal would also eliminate the current system under which all earnings from approved Iraqi oil exports go into an escrow account abroad, and each payment out of the account requires documentation showing for what the funds are being used. The French would instead trust Iraq to keep honest accounts and report accurately to the UN, without diverting any money into clandestine accounts.

The U.S. Proposal. The U.S. government's January 14 proposal to the Security Council focuses not on the inspection system but instead on what can be done to alleviate humanitarian suffering while sustaining sanctions. The first element in the U.S. proposal would be to allow Saddam to export as much oil as he wants. Such a step may be a good way to win a propaganda victory without having any practical effect, because the UN-imposed limit is so far above what Iraq can produce. In the six months to November 1998, Iraq exported $3.04 billion through the oil-for-food program, or less than 60 percent of the UN limit of $5.26 billion. The practical constraint was not the UN limit, but Iraq's production capacity.

The only way Iraq can produce more is if it can import equipment needed to repair and modernize its oil industry. In 1998, the UN approved imports of $134 million worth of oilfield equipment. A team from the Dutch firm Saybolt, hired by the UN, visited Iraq in December 1998 to identify what more is needed. The issue is whether to expedite approval of the $300 million program that team recommended. A sticking point has been Iraqi oil exports outside the oil-for-food program, namely, shipments to Jordan (80,000 barrels a day of crude and 16,000 barrels a day of oil products) and the smuggling of oil products to Turkey and via Iranian waters (the amounts vary from month to month, with the total averaging perhaps 50,000 barrels a day). The United States could adopt a tough approach—for instance, insisting that Iraq not be allowed to import oil equipment while illegal exports continue—but that would run counter to the U.S. desire to expand Iraqi humanitarian imports.

The second element in the U.S. proposal is to expedite humanitarian deliveries and, for this purpose, allow Iraq to borrow in order to import more. Yet, the basic problem with the oil-for-food program is neither a lack of money nor an excess of red tape; instead, the problem is that Saddam does not care about the welfare of Iraqis. To generate more pressure to end the sanctions. Saddam continues to hinder international relief. For instance, the plan Iraq submitted to the UN for the latest six-month relief program would have provided insufficient protein; this caused the UN to delay its approval for two weeks (from November 29 until December 11) until Iraq agreed to an extra $150 million for food. Clear proof that Saddam, not UN restrictions, is responsible for Iraqi suffering can be found in the detailed UN reports about the improving living conditions in the Kurdish areas outside Saddam's control, where the UN administers the oil-for-food program directly rather than through the Iraqi government.

The fact is that Iraq has ample funds for food and medicine. Under current procedures, Iraq will have the resources to import at least $1.8 billion over the next six months, even if prices for its oil stay at $9 per barrel and even after the deductions for the Compensation Fund and UN expenses. But even after the UN modification, Iraq's plan calls for only $1.6 billion for humanitarian goods: $1.446 billion for food, medicine, and water and sanitation equipment, and $165 million for nutrition programs, education needs and, in the Kurdish north, demining and resettling refugees. Any extra money will go for activities that not all would call humanitarian. The UN-approved plan authorizes $1.135 billion for other purposes; $300 million for petroleum equipment; $409 million for the electricity network; $126 million for the telecommunications system; $120 million to buy trucks, repair the railway system, and build food warehouses; and $180 million for agricultural equipment, including pesticides. The telecommunications system repairs are presented as a way to coordinate food and medicine deliveries, but they also allow Saddam to stay in touch with his secret police and military commanders. To date, the United States has used its veto in the Sanctions Committee to block shipments of such dual-use items, even though such items are authorized by the plan approved by the Secretary General. Yet, as the January 14 U.S. proposal focuses on how to increase imports, the United States may consider allowing more questionable items.

The U.S. proposal also suggests letting Iraq raise money by borrowing from the fund to compensate those whose property was destroyed when Iraq occupied Kuwait. Eight years after these people suffered a loss, none has received more than $10,000. The Compensation Commission has approved two more rounds of payments, mostly to recipients who will get only $2,500 per claim, as soon as it has the funds available.

The Saudi Proposal. Saudi Arabia's Crown Prince Abdullah has presented a plan that overlaps the U.S. strategy in key areas, calling for retaining sanctions but abolishing

the limit on how much oil Iraq can sell and making other changes to speed humanitarian deliveries. It is also said to call for revamping UNSCOM, with few details on what that means (evidently not much change is proposed). Saudi Arabia has lobbied for the plan vigorously at three meetings of the Gulf Cooperation Council and two other inter-Arab sessions. It is unusual for Saudi Arabia to be so bold at asserting leadership in the region, and even more unusual for Saudi Arabia to pursue the plan so tenaciously in the face of opposition from those in the region who want to distance themselves from the U.S.—British air strikes. Under the direction of the foreign minister, Prince Saud al-Faysal, the Saudis have successfully brought on board Egypt, which was initially skeptical.

The Saudi initiative underscores the convergence of U.S. and Saudi interests on Iraq. Although Riyadh was widely criticized in the United States for its reluctance to participate in the December air campaign. Saudi policy is in fact closely aligned with Washington's. For instance, the political commentator of the official Saudi news agency wrote. ''The Iraqi people deserve and need a revolution'' against ''the tyrant of Baghdad,'' whereas in Egypt, another Arab country whose ruler Saddam attacked, the government confined itself to saying ''the Iraqi leadership is primarily responsible for the Iraqi people's hardships.'' The reassertion of leadership in the region by Saudi Arabia, if sustained, would on many issues correspond well with U.S. interests.

Although it is unlikely that the Saudis will be able to convince enough Arab states to support their plan for the January 24 meeting of Arab League foreign ministers to endorse it openly, the United States should lend weight to the Saudi diplomatic effort. The Saudi effort focuses Arab attention on the issue most important for U.S. interests—how to relieve the suffering of the Iraqi people—rather than on the question raised by the French proposal, namely, how to water down inspections so as to win Saddam's assent.

Mr. MURKOWSKI. I will ask the administration to take a different tact to tighten, rather than loosen, the Oil-for-Food Program, to veto U.N. plans that allow Saddam to use this money to finance nonhumanitarian purchases, and to strengthen oil interdiction and inspection operations, including adopting something like the ''no-fly'' zone with a ''no-oil'' vessel zone. Only by taking these measures can the U.N. finally cripple Saddam's regime and increase energy security for all Americas.

If we cut off Saddam's oil supply, we will bring him to his knees. That is the only way it will happen.

Mr. President, I would like to take a moment to comment on the Department of the Interior s Mineral Management Service proposed oil valuation rule.

Earlier this week, speaking with regard to the Administration's FY 2000 budget, Secretary Babbitt said, ''We have met, and talked, and talked, and talked,'' about the proposed rule. But I submit that the only talking done by MMS has been at industry and at Congress, not with them. Mr. President, the proposed rule by MMS was unfair last year and it remains unfair.

Babbitt has declared that talks are ''over'' and that MMS is determined to issue its rule in June, when the Congressional moratorium expires.

This is simply unconscionable. The domestic oil industry is on its knees right now. But, again, this action by Interior is symptomatic of Administration attacks on the domestic energy industry.

The federal government should work to save marginal producers, not put them out of business. Yet that is just what Interior is doing by issuing an unfair royalty rule at a time when producers can least afford it.

I would ask Secretary Babbitt the following question: How many royalties can a bankrupt industry pay? I would also ask him if this rule is truly about raising revenue, or is it another Administration scheme to drive petroleum producers out of business. After all, 100 percent of zero is zero.

For the record, Mr. President, I will be speaking to MMS and looking into this flawed royalty rule.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized for 5 minutes.

Mrs. MURRAY. Mr. President, thank you.

THE PRESIDENT'S FY 2000 BUDGET

Mrs. MURRAY. Mr. President, I come here today to talk about our Nation's first investment in the next century: the budget for the year 2000. I want to say how great it is that we are turning our attention to the issues that are important to America's families.

When I first came to Washington, DC, the deficit was $290 billion. We had to make some very tough budget decisions to get the Nation's books back in balance. Now our economy is growing and it is strong. This year, the Office of Management and Budget projects a surplus to be $79 billion. That is the biggest surplus in American history. It hasn't been easy to get to this point and we still have a lot of work to do.

Now we have to use this opportunity to make critical investments in our Nation's senior citizens and in our children. We have an obligation to ensure the dignity of the previous generation and to prepare the next generation for a successful future. The budget we have before the Senate will help us do that.

This budget keeps our commitment to save Social Security first. It will set aside more than 60 percent of the surplus to extend the solvency of the Social Security trust fund until 2055. And it takes important steps to protect older women who depend on Social Security, but must continue to work to supplement their incomes. This budget will increase their survivor's benefits after the deaths of their husbands and eliminate the earnings limitation.

This budget will strengthen Medicare and provide more stability. It also gives assistance to the elderly and disabled who need long-term care in their families by providing a $1,000 tax credit.

We have to also make education a top priority. This budget provides desperately needed funds to fix our Nation's worn out schools and our overcrowded classrooms. It provides tax credits to help States and local school districts build and renovate public schools, and it continues our commitment to hiring 100,000 new and well-trained teachers. In addition, it provides flexibility at the local level for schools to ensure all children receive a quality education, and it calls for tough new accountability measures to hold schools and teachers to high standards.

This budget is by no means perfect. The funding for educating children with special needs is inadequate, and I will work to address this inequity. The Federal Government has made a commitment to meet 40 percent of the cost of educating disabled children, but we have yet to come close. As we work to improve our schools and raise our academic standards, we must not leave disabled children behind.

I know that as we go through the budget process we will have our disagreements, but I am looking forward to an open discussion of the issues and working together to accomplish a bipartisan agreement that serves the American people well.

This budget provides a real framework for action. I applaud the President's pledge to save Social Security and prepare for the challenges of a new century. Now we must move forward. The clock is ticking. It is time for us to work on the issues and the priorities of America's families.

Thank you, Mr. President. I yield the floor.

Ms. COLLINS addressed the Chair.

The PRESIDING OFFICER (Mr. BUNNING). The Senator from Maine, Ms. COLLINS, is recognized.

(The remarks of Ms. COLLINS and Mr. LEVIN pertaining to the introduction of S. 335 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the next 60 minutes of morning business be under my control.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PRESIDENT'S BUDGET

Mr. COVERDELL. Mr. President, the President has now given us his budget—quite a remarkable document.

I remember when the President came to speak to the joint session and said, ''The era of big government is over.'' There was broad applause—not only in the Chamber but around the country. Now we are confronted—it is not nearly as spot oriented or media driven—but it is sort of the statement: ''The era of big government is over'' is over. He has taken that pronouncement and absolutely quashed it in this new budget—driven it in the ground never to be seen again. It was a 77-minute speech,

and it outlined 77 new Government spending proposals that amounted to approximately $5 billion in new Government spending per minute. I am glad the speech wasn't longer.

In the President's budget, according to the New York Times, he proposed 81 separate tax increases totaling $82 billion over the next 5 years. The effect of that would be to nearly nullify the limited tax reduction that the last Congress finally fashioned with this administration for which there was an enormous celebration on the White House lawn. This would virtually eliminate it.

The administration will describe these as ''user fees.'' That is not new. Both parties have used that. But when you look down at what that means, it is quite interesting, Mr. President:

$1.1 billion in airline fees. That means all traveling America is going to get a tax increase, if you ever get on an airplane.

Or $504 million in food inspection fees. Who is going to pay that? Anybody who goes into the grocery store and buys a quarter-pound of ground beef, processed chicken, or milk; in other words, everybody.

Then we have $200 million in new health care fees on providers and plans and doctors—no, not on providers, health plans, and doctors. That goes to patients. Patients will pay that.

So if you are buying food in the grocery store, if you are part of traveling America, if you have to go see your doctor, to a hospital, you are going to be the recipient of this $1.1 billion in new taxes.

Now, he said there is tax relief in his budget. Well, the only way an American taxpayer would see one cent of President Clinton's so-called tax relief is if they agree to buy a solar panel or buy an electric car or engage in some other sanctioned Government behavior—this in the face of $800 billion of non-Social Security surpluses that have been generated by our economy. The direct beneficiary of balanced budgets and financial discipline and disciplined spending has produced a vigorous economy which has produced massive surpluses for the first time in modern history, but this administration could not resist spend, spend, spend and could not find it in any frame to suggest, well, maybe some of this should be returned to the working people of America.

Mr. President, I see that we have been joined by Senator GRAMS of Minnesota to speak on the subject, and I am going to yield up to 10 minutes to Senator GRAMS of Minnesota to continue our presentation on this budget.

Mr. GRAMS. I thank the Senator. I appreciate the Senator from Georgia putting this effort together. I think it gets the information out about what this budget really does and does not entail.

Mr. President, I rise today to make a few observations about the President's millennium budget.

After a brief review, my conclusion is this:

First, in his quest to continue to offer something for everyone, the President's budget offers a lot of smoke and mirrors and a lot of accounting gimmicks.

Secondly, this budget is chock full of new spending, earmarks, and dozens of new ways for Washington to spend the tax dollars earned by working Americans. It is a blueprint for an even bigger federal government.

Thirdly, while I agree that the 62 percent of the projected surplus that belongs to Social Security should be reserved for Social Security, I do not agree with what the President seeks to do with the 38 percent of the surplus that represents tax overpayments.

He chooses to spend the vast majority of it and leaves only pennies on the dollar for very minor, tightly targeted tax relief plan that he was offered in the budget.

His plan is basically only token tax cuts that sound big, but the bottom line is it provides little or no tax relief.

Fourth, he proposes new taxes and user fees and takes tobacco settlement money from the states. Can you believe it—in times of surplus, he actually proposes to raise taxes even higher, and his budget spends the Social Security surplus he claims to wall off.

Finally, the President's budget does not save Social Security from bankruptcy.

Let me be a little more specific.

You don't have to look further than the way in which the President's budget deals with spending caps to determine if this is an honest budget.

As you know, President Clinton has repeatedly broken the statutory spending caps in the past to spend more for new and expanded government programs. Last year alone, the President and the Congress spent over $22 billion of the surplus for alleged ''emergency spending'' in the Omnibus spending legislation.

Nearly $9.3 billion in regular appropriations was shifted into future budgets. In my judgment, both of these efforts broke the caps, and that is why I opposed the Omnibus bill.

Also, I wish that Congress and the President could be as creative in cutting spending and cutting taxes as the President is in finding ways to spend more money for more programs.

According to the CBO, last year's budget—when alleged emergency spending is included—exceeded the spending caps by $45 billion. Even without counting the emergency spending, we still exceeded the spending caps by $29 billion.

Last year's irresponsible spending has made the spending caps even tighter for this year. In order to stay within the caps as required by law, we must cut spending by $28 billion. This would require an approximately 5-percent across-the-board reduction of this year's discretionary spending.

Instead of cutting spending to comply with the law, President Clinton actually proposes significant spending increases to expand many of the existing programs and create many more new programs. These spending increases total over $130 billion. Yet the President claims his budget does not break the spending caps.

How can President Clinton have it both ways? How can he have his cake and eat it, too? It is simple. He does it by budget gimmicks.

The President imposes new user fees and raises existing ones by $21 billion, and then counts these taxes as ''negative spending'' rather than as revenues.

He also devotes presumed receipts from the state settlements with the tobacco companies and a 55 cents-per-pack federal tax on cigarettes to a variety of programs to avoid the spending caps.

However, it is far from certain these taxes will be accepted by Congress, so what we have is new spending without reasonable offsets.

The President also reclassifies the increased discretionary spending for expanded military retirement benefits, again, as mandatory spending. In addition, President Clinton speeds up the FCC's collection of spectrum auction payments.

Like last year, the President has again shifted some program funding—such as the Northeast multispecies fishery—into so-called ''emergency spending'' to further bust the budget. And he has severely under-funded some major programs such as Medicare, knowing Congress will restore the funds.

These decisions by the President are troubling. The more I review this budget, the more questions I have about how the President can propose so much new spending and claim that he will not break the budget.

President Clinton proposes to funnel 62 percent of the projected budget surplus which represents the Social Security surplus to the Social Security Trust Funds, 15 percent to Medicare, 12 percent to the so-called Universal Saving Accounts, and another 11 percent to increase other government spending.

The OMB estimates that we would have a $12 billion on-budget deficit—that is without. Social Security excess Surpluses—in FY 2000. This means we don't have any on-budget surplus to spend this year. All of the $117 billion unified budget surplus is, in fact, Social Security surplus.

I don't know how I can say this more clearly. Despite the President's promise to save Social Security first, he is proposing to spend all of the Social Security surplus.

Moreover, not only has the President manipulated the numbers, but he has also included enormous increases in existing programs and created many new programs, including entitlement programs.

Without counting government user fees, the actual size of the government has reached $2 trillion, not $1.8 trillion, as the President claimed in his budget.

I am sure there is much more hidden spending and hidden taxes in this 2,600 page budget.

With all of these spending and tax increases, President Clinton fails to provide any meaningful tax relief for working Americans. His targeted tax cuts reward only a few, with too few dollars. And again, in times of surplus, the President is proposing to raise taxes.

Now, I would like to just show a little cartoon that I brought with me that I think kind of explains this. As the cartoon suggests, President Clinton doesn't want to give any of the non-Social Security surplus to hard-working, overtaxed Americans because he believes he can spend it better on his own priorities. As the cartoon says: It seems we have grossly overcharged you, so let me explain how we intend to spend the money.

When you go to a restaurant and overpay the bill, you expect to get the change back. Here the taxpayers have overpaid, and I think they can rightfully expect that they should get the change back and the surplus should go to the taxpayers and not to the bureaucracies in Washington.

In fact, satisfying the President's spending appetite would squeeze an additional $80 billion from working Americans as tax increases. So, in times of surpluses, tax increases.

Mr. President, Americans today are taxed at the highest level in history, with nearly 40 percent of a typical family budget going to pay taxes on the Federal, State, and local level.

They tax it when you earn it. Tax it again when you save it. Tax it again when you spend it. Tax it again when you invest it. And tax it yet again when you die.

No wonder Americans feel overtaxed!

But under the President's budget, the Government will collect more taxes from working Americans in the next five years. Total taxes will reach over $10 trillion. Federal tax revenues will grow faster than spending, consuming 20.7 percent of GDP, a historic high since World War II.

This is wrong. More spending and more Government is not the answer. The answer lies in tax cuts that return power to the taxpayers and leave a little more of their own money in their pocket at the end of the day.

That is why I, along with Senator ROTH, introduced S. 3, the Tax Cuts for All Americans Act, the one bill that will do the most to help America's working families. Our plan will cut the personal tax rate for each American by ten percent across the board.

The broad-based tax cut is simple and fair. It is pro-family and pro-growth. If President Clinton wanted to make a strong statement for working Americans, he should have made this broad-based tax cut the centerpiece of his budget.

My last point is that despite his claim to have made Social Security solvent, and despite the fact that he will pour general funds into Social Security, Mr. Clinton's budget does not and will not save it. This budget does nothing to address its long-term unfunded liabilities.

In what Chairman Greenspan has called a very ''dangerous'' approach, it has the Government invest any surpluses in the stock market for Social Security.

In my home state of Minnesota, taxpayers are already expressing their frustration with the notion that, in the case of retirement security, Washington knows best.

Let me quote one thing here. Patrick Garofalo of Apple Valley wrote the following letter in yesterday's St. Paul Pioneer Press:

I am a big boy. I no longer live with my parents. The government trusts me to own a gun.

It trusts me to choose my state and congressional elected officials. It trusts me to make decisions about the welfare of both of my children. If it trusts me to make these important decisions, why does not it trust me to decide how I want to save for my retirement?

Please don't tax me to death while you ''help'' me. Let me keep my money. I will decide where and with whom to invest my nest egg.

I could not have said it better myself.

Mr. President, the Administration's budget will not meet the challenges of a new millennium but rather lead us down the path of fiscal disaster. Congress can and will do better.

We will produce a budget that preserves and protects the Social Security surplus; we will give the non-Social Security surplus back to taxpayers as major tax relief and debt reduction; we will have a blueprint that leads this nation into the 21st century.

I appreciate the Senator from Georgia yielding me this time.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I appreciate the remarks of the Senator from Minnesota, and I now yield up to 5 minutes of our time to the Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I thank my colleague from Georgia. I have just a few brief thoughts on this budget that has been submitted to us. The President's budget says we are going to have about a $4 trillion surplus over the next 15 years. He has said, and we agree, that we should fix Social Security first. We are going to do that. He believes that we ought to set 62 percent of the surplus aside for fixing Social Security. Again, we agree, because that is about what Social Security receipts are provided.

But when we got his budget message and when we heard his State of the Union, we didn't see a fix to Social Security. We saw new gimmicks, financial gimmicks, borrowing more money. And under this plan that he has presented, while we are supposedly running these surpluses that will amount to $4 trillion, we are going to have to raise the debt ceiling within a couple of years because he is issuing more bonds. We are going to borrow our way into solvency for Social Security. Nobody has explained yet how that is going to work. But it is clear that he has not proposed any responsible reform of the Social Security system to make sure it is there. We in Congress are going to have to develop a plan. I believe we will. It is going to take some of the surplus, 62 percent. I think that we must do that because we owe that not only to those who are retired now and those who are about to retire, but to the baby boomers and others coming along who want to see retirement security.

So we have 38 percent. What do we do with the remaining 38 percent of the surplus? I have spent a lot of time. I traveled around the State of Missouri many, many days listening to and talking with people, telling them: We finally got that budget deficit monster slain. What should we do with the surplus we are going to start running? And they had two very strong ideas. They said, No. 1, pay off the debt. We started to pay off the debt. If it hadn't been for the President's having invested some $20-plus billion in spending last year, we would have paid off $20 billion more.

Frankly, around this place there is nothing quite so tempting as an unspent surplus. If you don't return it to the taxpayers, it is going to get spent. We already have a historically high tax rate as part of our gross domestic product, the highest it has been since the end of World War II. And we are continuing to take more and more money. We need to have tax relief. That is the other thing that the people of Missouri say: We want tax relief; lower, simpler, flatter taxes.

Small businesses spend 5 percent of what they take in just figuring out how much they are going to have to pay in taxes. That is before they pay taxes. It is too complicated. It is too high. It discourages economic activity. Those who made fun of the capital gains tax relief and objected to it now have to admit that reducing capital gains brought more economic activity and brought a tremendous increase in capital gains revenue. If we give families and small businesses the opportunity to keep some of their money, do you know what? They can spend it better than we can in Washington, and that is what I propose we do.

But the President is not content with a $4 trillion surplus. He wants to increase Federal Government revenues by raising taxes. And on top of that, he is going to spend it all, he is going to spend more of it, he is going to spend $100 billion in new spending. He busts the cap. He even raids the tobacco settlements from the States because he has so many good ideas on how to spend it.

Mr. President, I do not believe the people of America want those good ideas. It is unbelievable, $4 trillion in

surplus yet every dollar of it spent, then more taxes are added. This is a classic example of the Federal ''Father Knows Best,'' requiring the States, localities, and most of all the families, the working men and women in America, to play ''Mother May I?''

Let's take a look at education, something I think is a top priority, and the President says it is a top priority, too. It is about that point where we diverge 180 degrees. The President wants to be your local school superintendent. Do you know, we have over 763 Federal education programs. The system is not working now. We have too much Federal bureaucracy, too much Federal red tape. Yesterday the President told the school board members who were in town from school boards all across the country, he said, ''Listen to what they are saying in the schools.'' I have. Do you know what they are saying? Do you know what educators and the administrators and school board members are saying? ''We have too much Federal regulation and dictates. We spend too much time on misplaced Federal priorities.''

That is why I want, and I think my colleagues want, to return dollars directly to the classroom. Do not run it through the bureaucracy in Washington, DC. Don't even run it through the State bureaucracies. It is the school districts that have to make the decisions. They are the ones that know the kids' names. They are the ones that know the strengths of the kids. They are the ones that know the challenges they face. Let them make the decisions and take the Federal handcuffs off of local educators.

The PRESIDING OFFICER. The Senator's 5 minutes has expired.

Mr. BOND. I ask for 1 more minute?

Mr. COVERDELL. I yield 1 more minute to the Senator from Missouri.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. One final item I need to get in. Last year, we worked very hard for a Transportation Equity Act for the 21st century, or TEA 21. I led the fight with Chairman JOHN CHAFEE and Chairman JOHN WARNER to make sure we put the trust back in trust fund; that is, we told the American people that we would send back, for highways, the money in the trust fund as it increased. In this budget he proposes more boutique programs. He wants to go back on the promise we made last year. We have great highway needs and there is absolutely no reason to get more Federal programs when it is the States who need to build the highways. We need to start over again on transportation and education and make some sense out of this budget.

Mr. COVERDELL. Mr. President, I appreciate the remarks of the Senator from Missouri. I now yield up to 5 minutes to the distinguished Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. ABRAHAM. Thank you, Mr. President. I thank the Senator from Georgia.

I wish to join my colleagues in expressing our deep concern at this administration's misleading and potentially damaging budget.

Now that we have finally gotten our fiscal house in order, turning huge deficits into significant surpluses, I am troubled, as a lot of our colleagues are, that the administration is seeking to turn the clock back to the bad old days of tax and spend that got us in financial trouble in the first place.

I think the Senator from Missouri very effectively outlined some of the inadequacies of this budget.

This budget includes $1.7 trillion in new Government spending, with the potential of trillions more, despite the President's agreement to set budget caps. And despite the President's frequent calls to save Social Security first, it does nothing to save this crucial program.

Finally, this budget includes no significant tax cut for the hard-working American families who brought us out of the age of deficits and into the present age of surplus. With the $4.5 trillion in anticipated surpluses, this administration could not find—in its budget, or in its heart—the wherewithal to give anything back to the American people, and that, Mr. President, is simply shameful.

I know my colleagues and I will be speaking a great deal in the coming weeks about the need for tax cuts, and I know the Presiding Officer will be one of those speaking often about this topic. But today, I want to focus on one particular aspect of the President's budget that would do great damage to our system of Government and to our States, my State of Michigan in particular.

Last November, 46 States and the tobacco companies reached a settlement in their long-running litigation. The Federal Government neither initiated nor helped the States financially in these suits. Yet now, the Clinton administration wants to divert $18.9 billion of the settlement to its own uses.

The Federal Health Care Financing Administration, HCFA, wants to seize this money under legislation allowing it to recoup Medicaid overpayments. But no Medicaid moneys were allocated under the tobacco settlement. This seizure is a raw exercise of Federal power, dangerous to our liberties and our form of Government.

In addition, the administration's actions promise costly litigation and first hits those least able to fend for themselves: State Medicaid patients whose funding would be seized by HCFA.

Of course, the administration claims that it will use the State's moneys to benefit everybody. Once again, this administration believes it is better able to spend money than are those actually entitled to it; in this case, the States.

A number of States already have acted in reliance on the tobacco settlement, putting forward proposals that will greatly benefit their constituents. For example, in my State of Michigan, Governor John Engler has proposed to endow a merit award trust fund with Michigan's share of the settlement, at least a portion of that settlement.

Under this program, every Michigan high school graduate who masters reading, writing, math, and science will receive a Michigan merit award, a $2,500 scholarship that can be used for further study at a Michigan school of that student's choice. Another $500 would be available for seventh and eighth grade students who pass their State tests, bringing the total available for higher education in Michigan to $3,000 for students who work hard and learn the basic skills needed to move on to higher education.

We need programs like Michigan's to help kids do well in school and get ahead in life. The Federal Government should be learning from these kinds of programs. It should not be taking money out of the pockets of Michigan's young people to put into the pockets of Washington bureaucrats.

We must protect the rights and the people of our States by seeing to it the tobacco settlement money stays where it belongs and where it will do the most good—in the States.

That, Mr. President, is, in my judgment, one of the many inadequacies in the President's budget. I certainly intend to work very hard here in the months ahead to make sure these tobacco settlement dollars go to the States where the priorities can be set that make the most sense to the people of the States. They are the ones who fought this litigation and won it.

Mr. President, I yield the floor.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER (Mr. GRAMS). The Senator from Georgia.

Mr. COVERDELL. Mr. President, I thank the Senator from Michigan, and I now yield up to 10 minutes to the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, I thank the Senator from Georgia for his time, and I appreciate his organizing this discussion of the President's budget, because it has some very serious problems, even though we are in superb fiscal times now and it appears the President has put forward a budget which will create for us into the future some fiscal problems of an enormous extent. Many of these relate to his so-called ''resolution'' of the Social Security issue. Let's talk a few numbers to begin with.

What the President has proposed in Social Security does virtually nothing to address the underlying problem of Social Security. The underlying problem of Social Security, of course, is we have the post-war baby boom generation that begins retiring in the year 2008, and that generation is so large in

physical numbers that it overwhelms the capacity of the younger generations to support it. Has the President addressed that? No.

What the President has done is put forward a major accounting gimmick which is, basically, a proposal that has no substantive effect on the underlying problem, but gives them the capacity, through bookkeeping, to claim that they have addressed the problem.

The President has proposed that we take the present surplus, which is projected in the Social Security fund, of about $2.3 trillion and keep that in the Social Security fund. And then the President has proposed a brand new commitment from the general fund to the Social Security fund, a new bookkeeping entry which amounts to new debt of another $2.8 trillion. The practical effect of that, of course, is that nothing happens. But the political effect of it is that the President can claim that by making this bookkeeping entry, he is extending the life of the trust fund for another 8 years or so.

Let me try to explain it through this pie chart, because it is a complicated little shell game. It is not a little shell game, it is the biggest shell game ever played in the history of this country, actually.

This is the spending which is projected relative to the surplus over the next 15 years. There is $2.3 trillion for Social Security in the President's proposal: $700 billion for Medicare, $500 billion for new USA accounts, and $500 billion of new spending items. Notice there is no tax cut in here for Americans. He decided to skip that for the next 15 years, but that is another issue other Members will talk to. Essentially, that is how he spends the $4.4 trillion surplus, which is projected for the next 15 years.

However, in his accounting process, he also spends another $2.8 trillion, which is these new notes that he credits to Social Security. Why does he do that? He does it essentially because he wants to claim he has expanded the size of the Social Security trust fund so he can extend this life expectancy out. But this doesn't exist. This is a bookkeeping event. What it does do is it creates a huge new debt which will have to be paid by later generations to the Social Security trust fund.

The practical effect of that debt is that he will be increasing the tax obligations necessary to support the Social Security trust fund as we move into the later years by huge numbers.

Beginning in the year 2025, it will take an extra $360 billion in order to maintain the trust fund, and this will have to come from the general fund, which means it will have to come through tax increases. This is in order to meet the obligations created by this new $2.8 trillion bookkeeping entry.

In the year 2035, that number jumps to $786 billion. That is just 1 year, coming out of the general fund into the Social Security trust fund. The implications of this are staggering. It moves up to a figure of $2.07 trillion—that is a 1-year number—in the year 2055. The implication is staggering, because it does two things.

First, it creates this huge pressure on the general fund which inevitably leads to a huge tax increase. Secondly, it creates a whole new dynamic for the Social Security system. The Social Security system has never gone into the general fund in order to support the Social Security system. That is not the concept of the Social Security system. The Social Security system has always been a trust fund. This creates the Social Security fund as a fund that has a drain basically on the general fund.

This all comes down to basically, in my opinion, sham accounting. And you don't have to take my word for it. Ironically, in a spurt of honesty and truth in accounting, the President's submission to the Congress of its budget had this language at page 336. I think it is worth reading.

(The Social Security Trust Fund) balances are available to finance future benefit payments and other trust fund expenditures—but only in a bookkeeping sense. . ..

So somebody at least down at OMB had the integrity to acknowledge what they were actually doing. They were creating a bookkeeping event for the purposes of claiming an extension of the Social Security trust fund.

They do not consist of real economic assets that can be drawn down in the future to fund benefits. Instead, they are claims on the Treasury that, when redeemed, will have to be financed by raising taxes—

Which is the item I pointed out here, the trillion dollars in the year 2045, for example—

borrowing from the public, or reducing benefits or other expenditures. The existence of large trust fund balances, therefore, does not, by itself, have any impact on the Government's ability to pay benefits.

If I had written a critique of what the President proposed, I could not have done a better job. Somebody on his staff had the integrity to truly write the critique, and by mistake, I suspect, they slipped it into the President's budget submission. I am sure they are upset now that it is in there. But it is an accurate statement of what they have done. This is a bookkeeping entry, the practical effect of which will create huge outyear chaos.

Why is that? Common sense tells you why it is. You can't address the problem of the Social Security issue with mirrors. You can't say that a problem that is created by having a huge generation retire is going to be solved by having a bookkeeping event occur in the budgeting processes of the Federal Government. But that is what this President would like us to believe.

In fact, if you look at the President's proposal on Social Security, as he put it forward, it has absolutely no substantive impact on the underlying problem. He first uses this double-counting event, which does nothing—in fact, it potentially aggravates the problem dramatically in the outyears—and, secondly, suggests we should take the trust fund and invest some portion of it, 15 percent of it, under Federal management in the marketplace, which will create, potentially, havoc, basically a nationalization of our stock market, potentially havoc in our stock portfolios throughout the country, as Chairman Greenspan has correctly pointed out. And then he proposes two specific things to do, both of which cost more money. He proposes we raise the earning limits, which is a good idea; and he proposes we address the problem of elderly women who are at the low-income levels, which is a good idea. But neither of those help the Social Security solvency issue. They actually aggravate the Social Security solvency issue.

So his proposal on Social Security is the largest shell game ever put forward in the history of the world and does absolutely nothing to substantively improve the problems which we have with Social Security as we go into the next 20 to 30 years. And those problems are huge.

A number of us on our side of the aisle—and I notice Senator DOMENICI is here—have put forward proposals which are substantive, which are legitimate, which address the fact that this is a demographic-driven event and which must be addressed. But we can't move forward with our proposals if the President is going to be so irresponsible with his proposal. The fact is his proposal is used primarily for the purposes of pushing another political agenda. Trying to lower the ability of this Congress to address tax cuts is the primary political agenda behind this proposal, in my opinion. It does nothing as a constructive voice on the issue of Social Security and Social Security reform; and thus it is a great disappointment. And I think the White House is going to go back to its drawing board and come back with another idea, another proposal, if it expects the legacy of this President to be a correction of the most significant fiscal policy which faces this country, which is the Social Security crisis in which we are headed.

I thank the Senator from Georgia for his courtesy.

Mr. COVERDELL. Mr. President, I thank my colleague from New Hampshire, not only for his presentation today but for all of his work on this great question before the country embraced in Social Security.

I now yield up to 7 minutes to our distinguished colleague, the Senator from Idaho.

The PRESIDING OFFICER (Mr. GREGG). The Senator from Idaho is recognized for 7 minutes.

Mr. CRAIG. Mr. President, thank you. And let me thank Senator COVERDELL for chairing the special order today to talk about a very important debate which this country is now just beginning to engage in; and that is, the debate over the Federal budget for the

next fiscal year and for the near future of the next 10 years.

The reason I say it is an important debate—and I associate myself with the remarks of the Senator from New Hampshire—if not the most important debate we will become involved in in this decade is that it is long term. What we do in this budget sets a trend line, clearly establishes a standard of performance for how Government operates and how taxpayers are treated in our country.

So for the next few moments I am going to dwell on that, because I can't deal with the specifics of this budget yet, not in the detail that the Senator from New Mexico, who is the chairman of the Budget Committee, is going to in a few moments. He is the expert. He teaches me what is in this budget. And I listen very closely.

But let me tell you, there are some fundamentals that I hope the public will come to recognize as this debate goes on, that within the budget surplus there are two surpluses. About 62 percent of that surplus is generated by Social Security tax, Social Security tax revenue. And that 62 percent the President of the United States and the Congress of the United States agree ought to be dedicated to reforming and strengthening the Social Security system. So if you will, that is surplus I.

There is a second surplus, and that is a surplus that is generated by other taxes, including the taxpayers' income tax. And that represents about 38 percent of the Federal budget. It is on that percentage that this Republican Senate at this moment is proposing, amongst other things, a significant tax cut for the taxpayers of the country.

I am very proud to stand on the floor, along with a lot of my colleagues, and say that a decade and a half ago we began an argument to force our Government to balance its budget. We were told at that time, in the early 1980s, that wasn't going to happen, just wasn't going to happen in my lifetime. In fact, I had an elder statesman in the House—I was serving in the House—after I delivered this House speech on balancing the budget on the floor, tap me on the shoulder, and he said, ''Kid, you ain't gonna live long enough to see a federally balanced budget.'' And then he went on to say, ''Why would you want to do it? Look what you can do with Government spending to expand the economy, to create all these neat things.'' And I looked at him and smiled and said, ''To reassure your reelection.''

Well, that was less than 20 years ago. In fact, that was about 14 years ago when that statement was made. And today the budget is balanced. Today we are now arguing over how to spend the potential trillions of dollars of surplus that will be generated by that budget.

When I was arguing the balanced budget idea in the early 1980s, along with a lot of my colleagues, there were some fundamental reasons why we were doing it: No. 1, to control Government. Because we saw an all-increasingly expanding, powerful Federal Government as a damper on the rights and freedoms of the citizens of our country. More Government, less freedom; more programs, less control, less opportunity on the part of the average citizen. So that was one of the reasons. The other reason was to turn this economy on.

In all fairness, Mr. President, I don't think any of us ever knew how much you could turn the economy of this country on if you did just two things: If you balanced the Federal budget, that is called fiscal policy, and if you kept monetary policy in line with it; and if you rewarded the workers by allowing them to keep more of their own money called taxes.

We have been able to do all of those things in combination. And what happened? We turned this economy on. We fueled it in a way that was really beyond our imagination.

In fact, a lot of us are looking at this strong economy today and saying, how can it last? Why is it so strong even in light of all the things that are going on around us in a world economy that is dragging it down to some extent.

The reason it is strong is because the Federal budget is balanced, because monetary policy is in line with the Federal Reserve. Now the next step is to keep it strong and even stronger and to take overtaxed American taxpayers and make sure that they keep an ever larger part of their hard-earned money. That is the real difference between what the President proposes and what we are talking about.

Oh, yes, we have the fundamental disagreements on Social Security reform that the Senator from New Hampshire, who is now presiding, has just talked about, and those are fundamental differences. But with that 38 percent that is left, the President plans to spend it all in one form or another. In fact, if you listened to his State of the Union in his budget message, he was like somebody handing out gifts in the form of government programs. A little here and a little there, going to benefit this, going to benefit that, going to expand here, and in the end, the world is going to be a happier place, and the President is going to be a more popular guy. Or so it went.

What he didn't say was that he actually was growing the potential of a Federal debt and deficit in combination again and that he was not offering substantive reform in the long term that would really benefit Social Security recipients, and most importantly, the young people of our country.

There is another premise with Social Security: No matter what we do we are going to protect the elderly. But what we have to do is assure that the young people of our country have a good investment in the future because Social Security today for a young person entering the work force is a lousy investment. There is very little returned for their money. So those are some of the dynamics of the debate at hand.

Mr. President, let me close with this thought—and I believe it sincerely, as somebody who has fought for a balanced budget, as somebody who is proud to see a balanced budget gained, and as somebody who has been very surprised over the strength of an economy that can be generated by the balanced budget and good, sound, monetary policy. It is simply this: I believe the President squanders the reward of a balanced budget. I believe the President squanders the hard work that we have done here to assure that the taxpayers of our country can have back even more of their hard-earned money. He not only squanders it in bad ideas, he squanders it by simply creating a greater liability on future earnings of our government or future taxes by our citizens.

We are standing at the threshold of a unique time in our Nation's history, a true opportunity to fix Social Security, to reform it, and to change it into a positive investment for the young people of our country while still continuing to hold safe and reward the elderly of our country for their hard-earned days, but also to assure long-term economic growth in our country that keeps our work forces working, that keeps our taxpayers happy, and that strengthens our country among other nations in the world.

That is an opportunity that can be accomplished with this budget. That is why I think what we are standing for today is the right direction and course for this country to take.

I yield the floor.

Mr. COVERDELL. Mr. President, I thank my colleague from Idaho. I yield up to 10 minutes to the distinguished chairman of the Budget Committee, Senator DOMENICI of New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I thank Senator COVERDELL very much. I hope I will not use 10 minutes because there are other Senators here.

Let me say to the distinguished occupant of the Chair, Senator GREGG, I was here when he made his remarks. I think the most salient aspect of those remarks—while I agree with almost all of it—the most salient area can be formulated into a question.

My question is this: For at least 10 years we have been struggling in this land with commission after commission, study group after study group trying to tell us how we could repair Social Security so that it will be available in the next millennium, because of the terrible impact on that Social Security fund, of the actual demographics of America, and the baby boomers hitting pension time. Now, does it seem logical that after all of that discussion that essentially we don't have to do anything to save Social Security?

I asked the question so I can answer it because I believe everybody that is working so hard at it would say the answer is, no; you can't fix Social Security by doing nothing for or to or in any way reform or change it.

Now the only thing the President of the United States did in this budget is make a proposal that will never pass the Congress, that a tiny piece of this so-called surplus that belongs to Social Security be invested in the equities market of America by a government-controlled board, who would be subject to all kinds of pressures that would distort the market of America. I don't say that singularly. The Chairman of the Federal Reserve Board has used far stronger words than these: that it won't work, that it will be detrimental. So in a sense, that is the only thing proposed.

Now, I am going to lower my voice and say, on the other hand, the President is going to say that he transfers some of the surplus of America to the Social Security fund and it is there and thereby it extends the life. But the Senator has so adequately stated, What is being transferred? In the end, what is being transferred is going to result in debts that have to be paid by somebody, some time, because we have neither enhanced Social Security by investing a significant portion in the equities market, nor have we, in any way, if one seeks to reform it otherwise, made any changes to it except to add to it.

Frankly, that is a missed opportunity. I think I might say it is a missed opportunity, perhaps, because of the clamor that we are in today politically.

I think last year the President was on the right track. He had meetings and bipartisan seminars and everybody went. They held one in Albuquerque, NM. And forthrightly, the President used to say to people who opposed investing it in the equities market, in as safe a way as possible, Why should the Social Security trust fund yield so much less to the Social Security recipients than investing in other pension plans? He used to ask that question when people were against investing it. What happened, however, as this budget came rolling through under the political turmoil that exists, the President sent us nothing but some words that say we hope we can work together.

I hope we can, too, because I think if we did it would be a far different proposal than what is in this budget, which is borderline nothing with reference to Social Security.

There are so many other things to talk about, but I am only going to talk about three and do it very quickly. Fellow Republicans, conservatives and moderate conservatives in America, this budget presents the best opportunity for those who think conservatively and Republican and moderately conservative, to present a basic issue that disagrees with the President and those who follow him in the Democratic Party.

My friend from Idaho, it is basically this: When you have a very large overpayment by the taxpayers of America, an unexpected tax burden that yields billions of dollars that were unexpected, that we don't need, that are now building up a surplus, what do you do with it? And one approach is to save it. The President says he is being conservative and saving it. But I add to that, saving it so it can be spent. And in some instances, spending it under the President's budget or give it back to the American taxpayers in proportion to how they paid it to us.

That falls simply under the rubric of a tax cut. I have explained it as well as I could as to why the time has arrived. Why is this an opportunity to debate a difference? Because if you don't give it back to the taxpayer, no matter what contortions you go through about transferring it to trust accounts with new IOUs and the like, it is available to be spent, and I am not going to be anymore positive about that, other than to ask another question: Does anyone think that that kind of surplus sitting around is going to really stay sitting around, or is it going to do something else? I submit that the President is on a path to showing us already that it is going to be spent.

My last one—I will do one additional one—is this: Anybody in this Chamber or across this land who has heard the President speak and has heard his budget presented, answer this question for me: Did the President propose spending some of the surplus which he is going to put into Medicare? Did he propose spending it for prescription drugs? Frankly, I surmise that already, among those who are interested, 95 percent would answer that question that he proposed spending it for prescription drugs. But that would be inconsistent with saving it, right? So, as a matter of fact, if you read his speech attentively and listen to two of his witnesses—OMB and Treasury—it is now obvious that he does not propose to spend any of it for prescription drugs.

But isn't it interesting? You put it in the trust fund to make the trust fund more solvent, but then you don't propose that any of it gets spent. That is what is going to happen to the surplus. That is one example—the big surplus, over and above the Social Security surplus. It is going to find niches in this country, special interest groups of all types, small and large, and it is going to be spent.

Now, are we undertaxed? Of course not. We would not have this kind of surplus if we were undertaxed. This surplus indicates what a surplus of this size should indicate, which is that tax receipts are very high. In fact, the total tax receipts of the Federal Government are the highest percentage of the gross domestic product that they have been in 50 years. You can pick pieces of the taxpayers and draw different conclusions for different groups. But essentially it is true that the total tax take is going up as a percentage of our gross domestic product, and that sends a signal: It is time to take a look and make sure you don't spend at that level, because then you move America into a high tax country. Our success is not as a high tax country; our success is as a low tax country. That is why we are succeeding over and above other countries in the world.

I yield the floor.

Mr. COVERDELL. Mr. President, I thank the chairman of the Budget Committee for his presentation this afternoon.

I yield up to 3 minutes to the Senator from Wyoming, Senator THOMAS.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. THOMAS. Mr. President, I have been listening with great attention to what we are talking about. Certainly, there is nothing more important before us now than the budget. We have heard all kinds of explanations, and we will hear many more. We will argue about the allocation over time. But it seems to me, as I think about it, that the idea of a budget is where we really set our priorities.

There is more to a budget than simply the question of where we spend every dollar. What we do with the budget is, we put into reality the things we would like to see in our Government. What size Government would you like to have? What do we do with respect to our working with the State and local governments? How does that fit? What do we do about taxes? Is there something we want to do there? I look at it as really an opportunity for us to, philosophically and from an ideal standpoint, look at why we are here and what it is we want to accomplish.

For those who want a simpler and smaller Government, does this budget do that? I don't think so. This is an increase in size. This is more Government. This is larger.

What if your goal was really to move more and more of the choices and more and more of the responsibility closer to people and State and local governments? Does this budget do that? No, I don't think so.

What if you want to really feel strongly about spending caps and say that this is the way you control spending? Does this budget stay with the caps that we argued so much about just 2 years ago? No, it doesn't do that.

If you had an idea that you would really like to take care of paying down this debt on a dependable program over a period of time, a little bit like, I suppose, a mortgage, and you wanted to do that, does this do that? No, it doesn't.

So I hope that as we go through this whole process—and it will be, unfortunately, almost all of the year—I hope we start with the principles that we would like to see enunciated when we are through. We will have different views. Some people want more Government, more spending and more taxes—a legitimate idea, but not one that I share. I think we do much of that in the budget.

So I hope, Mr. President, that we really take a look at measuring this budget in terms of our values, the reason we came here, the reason we have given to our constituents as to why we

are here. Much of it will be reflected in this budget.

I yield the floor.

Mr. COVERDELL. Mr. President, that is going to close the discussion on our side on the President's budget. I am going to yield the remainder of our time at this point to the distinguished Senator from Texas on another matter.

How much time remains?

The PRESIDING OFFICER. The Senator has 4 minutes remaining.

Mr. COVERDELL. I yield the remainder of our time to the distinguished Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that I be permitted to speak as in morning business for up to 30 minutes thereafter, and I further ask that following my remarks Senator GORTON be recognized, followed by Senator GRAHAM of Florida and then followed by Senator BROWNBACK.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

(The remarks of Mrs. HUTCHISON, Mr. GRAHAM, and Mr. GORTON pertaining to the introduction of S. 346 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. GRAHAM. I thank the Chair.

Mr. BROWNBACK addressed the Chair.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I ask unanimous consent to speak as if in morning business for up to 12 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator has that right.

Mr. BROWNBACK. I thank the Chair.

HUMAN RIGHTS ABUSES IN SUDAN

Mr. BROWNBACK. Mr. President, I want to bring to the Senate's attention something that, when I first saw it, I found it just to be unbelievable, that the type of situation that is going on is happening in the world today, in 1999.

I am speaking of what is taking place and the human rights abuses that are occurring in the Sudan today. The northern Sudanese Government is waging a vicious war in the south against its own people, who are suffering extraordinary human rights abuses on a massive scale. Slavery—slavery—and Government-induced famine not only exist but are increasing. It is unpardonable that slavery continues in the modern world today, that in 1999 we have slavery going on in the world. And it does in the Sudan.

It is even more dismaying that this offense against humanity is officially tolerated, even perpetrated, by a national government against its own people. I believe that America has the moral authority and the duty to protest this outrageous practice.

Joined by other Members of Congress, I will be introducing a resolution which demands the end of slavery in the Sudan. Legislation will also be introduced which challenges the famine-induced practices of the Government. Consider this a modern-day abolitionist movement, inspired by the legacy of some of the great freedom advocates such as Martin Luther King or William Wilberforce who ended the slavery trade in Britain nearly two centuries ago.

Let the facts speak for the victims. There are 1.9 million Sudanese who have died at the hands of their own Government, more people than Bosnia, Rwanda, and Kosovo combined. Over 2 million people have been displaced, driven from their ancient communities—that is nearly 10 percent of the population—and they now wander homeless, without resources, education, or hope for a decent future for their children. This is the largest internally displaced population in Africa. Most alarming, 2.6 million risk starvation this year—this year—because of Government policies deliberately calculated to produce food shortages.

Reportedly, 1998 was the worst famine in 10 years because of the official Government practices of denying food distribution to its own starving people. Experts warn that 1999 will even be worse because of the now weakened condition of the population. How could this happen when so much aid stands waiting for shipment? The answer is because the Government denies humanitarian aid organizations access to famine-stricken areas in the south. They deliberately withhold American-sponsored aid from the starving population to manufacture a famine.

Now, why would a government deliberately starve its own people? They have made starvation a weapon of war to crush those fighting for self-determination and religious freedom. Through this weapon of starvation, they can drive the people into refugee centers, which they cynically call ''peace camps,'' and there break them with humiliating treatment, deprivation, rape, more starvation, and even bombings in peace camps.

The Sudanese people suffer terrible treatment in these so-called peace camps; they are forced to renounce their own deeply held religious beliefs as a condition to being given food. Christians and traditional tribal believers report this is a routine practice.

The U.S. Committee for Refugees issued a report recently which describes the bombing of refugee centers by the Government. The Government bombs these unarmed refugees, the women, the children, the sick, the starving, the elderly, all of whom have taken refuge in these camps as their last resort for food.

Recently, reports on female refugees state that virtually every woman interviewed—virtually every woman interviewed—was raped or nearly raped during induction to the camps. Moreover, young boys in these camps are abducted into the northern cause and used as front-line fodder. These are the so-called peace camps.

Yet the most incredible crime against humanity practiced in the Sudan today is slavery. In 1999, slavery still exists in this world, and it is officially tolerated, even perpetrated, by the National Government against its own people. Tens of thousands of Sudanese presently exist as chattel property, owned by masters who force their captives into hard labor and sexual concubinage. They are branded, beaten, starved, and raped at their master's whim. Forced religious conversion is routine. Christian and tribal traditional believers experience starvation and whippings until they renounce their own personal faiths. All slaves with Christian or African names are given new Arab names by their masters. The girls undergo a terrible practice, lightly referred to as ''female circumcision,'' better described as ''female genital mutilation,'' which is permanently disfiguring, extremely painful, and physically dangerous. Some Moslems also have this act forced upon them.

I asked my personal staff to investigate this situation in September. That trip to the Sudan produced extraordinary photos of children who have been redeemed by John Eibner of Christian Solidarity International.

Mr. Eibner is a modern-day abolitionist, an American who redeems people from slavery for about $50 a person—50 bucks a person to redeem a slave today. He has rescued over 5,000 people from slavery in the Sudan since 1995. These photos from that trip show some of those redeemed slaves. I want to show those photos to the Senate. These are people my staff went and met with, who have been enslaved in the northern part of Sudan. You can see young children here in this picture who were gathered together, beautiful young children who have suffered the bonds of slavery in 1999. Here is the broader group, and a picture of the group they met with who had all been enslaved.

Then I want to show you these next two pictures up close. This is the face of slavery today in the world, in Sudan. This young boy, approximately the age of my son, was a slave in 1999, in this world today in the Sudan. You can see he is holding his arm out here as they were looking at his arm and his slave brand that he had. We have a closer picture of that brand that this young boy suffered that was put on under his slave master's hand—slavery in the world today. It still goes on. It still goes on. And it is going on in the Sudan.

Both victims and experts report that the slave practice has actually even increased since 1996. It appears that the Sudanese Government employs slavery as a deliberate means of demoralizing the civilian population and fragmenting communities. Slavery is also used to reward government soldiers fighting

this civil war. These women and children are captured as war booty, as a type of salary for the soldiers. It is repugnant that any country would permit, let alone promote the demeaning cruelties described here. Therefore I invite anyone who is touched by this account of suffering to join me in this cause to end slavery before the next millennium and stop this insane practice of man-made famines in the Sudan.

We have the capacity to do this. We need to do this. And we must do it now.

Mr. President, I yield the floor.

Mr. GRAMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. GRAMS. Mr. President, I first ask unanimous consent that at the conclusion of my statements the Senator from Illinois, Senator DURBIN, be recognized to speak for up to 15 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Minnesota is recognized.

MR. GRAMS. I thank the Chair.

(The remarks of Mr. GRAMS pertaining to the introduction of S. 347, S. 351, S. 357, and S. 358 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. GRAMS. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

THE FEDERAL BUDGET

Mr. DURBIN. Mr. President, I thank you for yielding me this time in morning business to address the issue of the Federal budget. This time of year, as America starts to look forward to spring training in Florida and Arizona for the baseball season, Members of the U.S. Senate and House of Representatives get involved in their own grapefruit league, their own spring training, which starts with our speeches on the Federal budget process. And I am sure that many people who would witness this debate would scratch their heads and say, What can that possibly mean to my family in Chicago, IL, or Springfield, IL? In fact, it has a great deal of importance and not only defines who we are as a nation and what our priorities will be in the coming year, but it also affects a lot of programs and a lot of taxes that directly impact families across America. So this kind of runup to the serious debates on the budget resolution is an important part of the annual ritual in Congress. And I am happy to be part of it today.

I have listened to my Republican colleagues, as they have spoken about their view of the budget, the budget process, and where we are in America, and it is a slightly—well, no, it is a significantly different point of view than I have. Because I take a look at this Nation and I do not see it in somber and serious terms. I don't find it depressing. I am not saddened by it. I really look at the state of government today in Washington, DC, and see so many hopeful signs that I wonder sometimes if my Republican colleagues are looking at the same picture that I am looking at.

There are certain things which I think we ought to accept as a reality. The fact that two out of three Americans today say the Clinton administration is doing a good job suggests to me that most Americans—Democrats, independents and even almost a majority of the moderate Republicans—have come to the conclusion that this country is on the right track, this administration is doing a good job. And there is ample reason for them to reach this conclusion.

Think about where we were 6 years ago when this administration began. The budget deficit stood at nearly $300 billion a year with no relief in sight. At the time, the Congressional Budget Office was projecting that the deficit would reach $350 billion in 1998. At that time, no one—absolutely no one—would have expected, instead of a $350 billion deficit, we would be running a $70 billion surplus.

The first step on our road to recovery and sanity in the budget process was the passage of President Clinton's 1993 Deficit Reduction Act. I remember that vote as if it were yesterday. That vote taken over 5 years ago is imprinted in my memory, because we were told by our Republican critics that if we voted for this Clinton deficit-reduction plan we would drive this economy into a tailspin, we would have even deeper deficits, we would have a wholesale reaction from the American people against this new policy. And as a result of it, we didn't garner a single Republican vote in support of the Clinton deficit-reduction plan. Here in the Senate, before I arrived, when the vote was cast, it was up to Vice President GORE to cast the deciding vote for this deficit-reduction plan.

It turns out the President and the Vice President were correct and the critics of the plan were wrong. Because, as you see, we have now reached the point where that deficit reduction put us on a road toward a balanced budget, which we enjoy today. Giving credit where it is due, there was a second installment on deficit reduction done on a bipartisan basis by Republicans and Democrats which completed this effort. I am glad that we were able to do that on a bipartisan basis. But history records that the first important and most painful step in this process began in 1993 with President Clinton's proposal.

A lot of my friends on the Republican side have argued that we have been able to eliminate the deficit but at the expense of raising taxes on ordinary Americans. I have heard this so often you almost start to believe it. And then you look at the facts. The facts are these: The Treasury Department shows that a median income family of four currently pays less in taxes as a percentage of their income than at any time in the last 20 years. It is also true for families of four at one-half the median income level and a family of four at twice the median income level.

So the Republican claims that the President has balanced the budget on the backs of working people just simply are not true. Nor is it true that the administration has increased the size of government. All of these claims about big government and big taxing just do not wash when you take a look at the facts. According to the Center for Budget and Policy Priorities, spending has declined to its smallest share of our gross domestic product in 25 years. Furthermore, under the President's proposal, spending will continue to decline as a percentage of our gross domestic product to its lowest level in 33 years.

Sound fiscal policy has translated into economic resurgence in America which still baffles even the experts. Here we are enjoying the 95th consecutive month of economic expansion, the longest peacetime expansion in our history; interest rates stable and falling; unemployment rates coming down; welfare rolls coming down; inflation at its lowest combined rate with interest rates and unemployment in a generation.

As the President announced to Congress 2 weeks ago, the state of our Nation is strong. As Vice President GORE often says, everything that we want to go down has gone down. We are talking about the unemployment rate and welfare rolls. And things we want to go up, like family income and housing starts and new businesses, continue to go up. So when I hear these funereal tones from my Republican colleagues about how sad it is that this administration just can't get it, can't get it right, I look around at our economy and I am baffled, I cannot find the evidence for their claim.

Despite these promises of surpluses in our budget as far as the eye can see, we all know that budget projections in the future are a guess, an educated guess but a guess. Four years ago, the Congressional Budget Office forecast the deficit would exceed $300 billion this year and approach $500 billion by the year 2005.

With $5 trillion of Federal debt hanging over our heads, now is not the time to abandon fiscal prudence in favor of tax cuts for the wealthiest Americans, as many of my colleagues have suggested. We should take advantage of the opportunity to redirect and invest our surpluses at this moment in history where they can pay off for America in the long run. We need a responsible fiscal course to begin with. The President's budget wisely preserves 62 percent of the projected surplus for Social Security and I hope both parties can agree to this. Let me say this: If at this moment in time—this year—as we debate the budget, as we envision surpluses for years to come, if we cannot muster the will, on a bipartisan basis,

to save Social Security, we never will. It will be less painful now than any time in our future. And we have to accept the responsibility of dedicating the surplus to Social Security.

The President said it last year, and repeated it again this year: ''Save Social Security first.'' And those who want to embark on a different course, so be it. I believe the American people agree with me and the President that this money should go to Social Security, and also to Medicare. The Medicare Program, important to millions of elderly, is a program that is in trouble. There is no doubt about it. As health care costs go up, as the elderly population increases, Medicare faces strains and pressures never envisioned.

The President has suggested taking 15 percent of the surplus and putting it into Medicare to make sure that we have an additional 10 years of a solid Medicare system for senior citizens. That, to me, is eminently sensible. That, again, is an investment of the surplus in something good for the long-term benefits of our Nation, not just for elderly—of course it benefits them directly—but for their children as well.

When senior citizens cannot pay their health care bills, many times they turn to the government but they often turn to their children. Let us relieve that generation from a burden they shouldn't carry, by investing a portion of the surplus in Medicare. Medicare and Social Security are entitlements but they are earned entitlements. Let's put the ''security'' back in Social Security and put quality health care into Medicare.

When we think about what to do with the surplus, it makes sense to consider the perspective of Alan Greenspan. If there is one man who is credited with leading us through this out-of-the-deficit desert and into the sunshine of surpluses, it is the Chairman of the Federal Reserve, Alan Greenspan. In testimony to the Senate Budget Committee last week, the Chairman said that the single-best use of the surplus is to pay down the national debt. This is exactly what the President is doing by dedicating the surplus to Social Security and Medicare.

There is also a proposal for tax relief. It is perfectly reasonable that once we have taken care of our obligations to save and preserve Social Security and Medicare and thereby reduce the national debt, we also help families in America who need tax relief. The President's proposal is a sensible approach which gives working families more income security, more spending power, and a greater ability to save for the future.

The President's proposal finds $34 billion in tax relief to working families. His budget reserves 12 percent of the projected surplus to provide low- and moderate-income Americans with a tax cut to help fund personal retirement accounts. Millions of Americans and millions of Federal employees, including most of the people who work in this building, have availed themselves of savings opportunities for their retirement, whether it is the Federal Thrift Savings Plan, individual retirement accounts, or Roth IRAs—named after Senator ROTH from Delaware. In order to make certain that low- and middle-income families have that same option, the President suggests that we create these personal retirement accounts that will help them. I think that makes sense.

The President also suggests that we provide tax relief for child care costs for 3 million working families. A couple years ago, I went across Illinois and talked to working families and in particular, working mothers, about their major concerns. Do you know what the number one concern was? It was, what will I do with my kids when I go to work? I can't afford to send them to the very best day care, and I worry myself to death when I am on the job and I am not certain that they are safe. That is a natural human reaction. It is the right reaction from a parent. What the President is saying is that we need to be sensitive to these working families by giving them some tax relief to help pay for day care and child care.

The same thing is true for many of the working families who have elderly parents or parents who are sick or disabled who need help with long-term care. Here again, the President's proposal offers tax relief to millions of Americans who want to provide for loved ones that are in their golden years.

You will also hear a cry for tax cuts from our colleagues on the other side of the aisle. But it is almost as predictable as night following day that when you go beyond the surface appeal of tax cuts proposed by the Republicans, you find the same story year in and year out. Let me give you some graphic examples of what I am talking about.

This chart which we had prepared looks at the proposed 10-percent tax rate cut that the Republicans have brought forward. Of course, we had to analyze it to see what it would mean to most families. This is no surprise if you have followed Republican tax breaks in years gone by. The bottom sixty percent of America's families, based on income, would see an average of a tax break of just $99 a year, roughly $8 and a few cents each month. Then you get to the top 1 percent of incomes, people making over $300,000 a year, and look what their average tax break is under the Republican plan—$20,697. I just can't understand this. I can't understand why low- and middle-income families making below $38,000 a year should get an average annual tax break of a little over $8 a month while we turn around and give $1,600 or $1,700 a month to the wealthiest among us.

If there is to be a tax break, if we are to use the surplus to help American families, should we not dedicate that surplus first and foremost to the low- and middle-income families who absolutely need it the most?

When I take a look at where money can be spent in this Federal budget, I am sometimes troubled that my friends on the Republican side of the aisle suggest that spending on domestic priorities is creating wasteful, new programs. In one particular area I take exception; that is in the area of education and training.

It was only last year that we had the major corporations in Silicon Valley and across the country lobbying Congress to change the immigration laws in America so that these companies could bring in skilled and trained personnel, immigrants from overseas, to fill gaps in their employment. That is a sad commentary on America's educational system. And it really troubles me that we have reached the point these companies cannot find within America the skills that they need to make a profit.

Then we hear from the U.S. Navy that it is suggesting it needs a change in policy. The Navy, an All-Volunteer Navy, relies on those who come forward and those they can recruit, and they have fallen short of their goals. Some 22,000 seaman are needed and not available, particularly 18,000 for service on ships at sea. So the Navy has come to Congress and said we think the answer to this is for Congress to allow us to increase the number of recruits who don't have high school diplomas from 5 percent of the total to 10 percent. Now, that is a troubling admission to say that we have so many young people without a high school education that we need to turn to the Armed Forces to give these young people a basic education.

When the President comes before Congress and says we can do a better job in our schools, I think most American families agree. And money invested there, I think, is money well invested. We have a skills gap in our country which needs to be addressed. We need a commitment to education that includes afterschool and summer school programs. We need 100,000 new teachers. We need to improve teacher skills and hold them accountable to make certain that when they come into the classroom, they are prepared to teach. The vast majority of teachers will meet this threshold requirement without breaking a sweat. But you know as well as I that there are people standing in classrooms across America reading from textbooks on subjects they know little or nothing about.

In my old home town of East St. Louis, last year or so I talked to some of the people on the school board and they say they will literally give a job to anyone who tells us they are prepared to try and teach science and math—''prepared to try and teach.'' They don't require any degrees, they can't, because they can't attract the people to do the job. We need to increase teacher skills and training to do so.

In addition, I think we need to put more money into school construction,

not just because the school-age enrollment is going to mushroom dramatically over the next several decades, but because our current school buildings in America for the most part are not prepared to accept the new technology necessary to educate our children. When President Clinton suggests $25 billion in tax credits for that school construction and renovation, I think he is talking about an issue that most Americans and most families can certainly understand.

This is a time to invest in America, not a time to provide a windfall tax break for the wealthiest people in our country. The President maintains strong fiscal discipline, targets his tax relief to Americans who need it, and makes certain that our highest priority of preserving Social Security and Medicare and reducing national debt is met.

There is also a suggestion that we increase defense spending. As a member of the Defense Appropriations Subcommittee, I am going to watch this carefully. I understand, as most people do, that national defense is one of our highest priorities. I want to make certain that we dedicate our resources, first and foremost, to the men and women in uniform to make certain that they are compensated well and have a fair retirement plan.

It is a personal embarrassment to me, and it should be to every Member of Congress, to learn that so many members of the U.S. military today qualify for food stamps. That shouldn't be the case. We ought to make certain that the amount of money paid to our military personnel is adequate not only to maintain their families, but to attract and retain the very best in uniform across America. We owe our freedom to these men and women. We should compensate them accordingly. Of course, technology is part of that, but let's make sure the technology demands are consistent with the post-cold war world, that it is a technology demand that really envisions America's future role in the world in realistic terms.

I conclude by saying that I think that the President's budget has areas where I might disagree and probably will. It has areas that Congress will certainly address in a different way, but it is a budget based on the right principles, a budget to keep America on a track for prosperity and economic improvement. When we look at the growth in our domestic product each and every quarter, the encouragement it gives us, I think it suggests that we ought to think long and hard before we abandon this course we have been on—a successful course, with 95 consecutive months of economic expansion. Those who want to experiment with another approach, perhaps they can make that case to the American people; but, today, two-thirds of the American people say: Stay on this course, keep us moving forward in the right way, helping working families and preserving the programs that mean so much to America.

I yield the remainder of my time.

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from New Hampshire, suggests the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CRAPO). Without objection, it is so ordered.

CHILDREN'S SCHOLARSHIP WORKSHOP

Mr. LOTT. Mr. President, I want to take a few moments to turn our attention to an exciting and worthwhile project for America's young people: the Children's Scholarship Fund.

Last June, two great Americans, concerned about the state of education in America, particularly about the way in which children of low-income families are often without educational options, founded the Children's Scholarship Fund with their own substantial private investments. I speak of Ted Forstmann of Forstmann-Little and Company and Gulfstream Aerospace and of John Walton of Wal-Mart Stores. Based on their firm belief that a child should not be denied educational opportunity because of his or her family's financial situation, these two citizens are improving the education of young Americans, and thereby improving the lives of all Americans.

When Mr. Forstmann and Mr. Walton announced the creation of the Children's Scholarship Fund in June 1998, they began with programs in five cities. The demand and enthusiasm with which they were greeted was so overwhelming that scarcely three months later they joined with donors around the country to make scholarships available in forty three cities and three entire states. Now, only eight months after the launch of the Children's Scholarship Fund, low-income children throughout the entire United States are eligible for scholarships. As of today, the Children's Scholarship Fund is nationwide, and will provide approximately 40,000 scholarships worth nearly $170 million. All low-income families throughout this country with children entering kindergarten through eight grade next fall may now be eligible to receive scholarships.

On April 22nd, the names of the Children's Scholarship Fund scholarship recipients will be selected in a random drawing. Families must have submitted their completed applications no later than March 31st to be eligible. I urge my colleagues to make a note of these important dates.

In the meantime, I commend Ted Forstmann and John Walton and everyone associated with the Children's Scholarship Fund for the invaluable contributions they are making to improve the lives of so many of our young people. They set an example for all of us. The enormous public response to the Children's Scholarship Fund serves as an important reminder to those of us in Congress of the need to creatively expand educational opportunities for all of our citizens.

RETIREMENT OF TREVA TURNER

Mr. THURMOND. Mr. President, I rise to today to recognize the dilligent service of Ms. Treva Turner, who is retiring from the Congressional Research Service after 33-years of providing invaluable assistance to Senators, Representatives, and members of their staffs.

It is probably safe to say that the images that most people associate with the United States Congress are those of the Capitol Building or the 535 men and women who serve in the Senate and House Chambers. Afterall, millions of Americans see us cast votes as they watch C–SPAN and C–SPAN2, or recognize the Capitol from a trip to Washington, DC, or from seeing it used as a backdrop for television news reports or in movies. What most Americans do not realize is that the Congress extends far beyond the Capitol Building, and those that work in these two chambers are not limited to those of us who hold office.

As each of us knows, we rely on what is literally a small army of men and women to provide us with advice, support, and analysis. Among those organizations which support our work, perhaps the greatest treasure is the Congressional Research Service, commonly known as ''CRS''. For more than the past three decades, Treva Turner has been a loyal, dilligent, and selfless employee of CRS, and her efforts have been of immeasurable help to many of us as we have debated any number of matters before the Senate.

Treva's speciality was education issues, and as each of us places a great priority on providing for the future of America's children, she was kept busy with any number of projects and research requests. Despite her heavy workload, Treva was always pleasant, outgoing, and ready to share her wry sense of humor with her many friends. Furthermore, she was always ready to lend assistance to people, whether they were co-workers in the Congressional Research Service, or staffers who wandered into the Senate Reference Center. Treva's professionalism and expertise assured that she provided prompt and impartial information and analysis to all Members of Congress and their staffs.

As with any professional, Treva's dedication to her job did not end with her assigned duties. Her work as a founding member of the Library of Congress Professional Association, along with her service on the Reference Forum, help to assure that CRS met

the needs and expectations of its primary users.

Mr. President, I know that Treva Turner is going to be missed by all those who had the opportunity to work with her. I also know that each of us is grateful for the dedicated service and support she has rendered to the United States Congress and that we wish her health, happiness, and success in the years to come.

RECOGNIZING THE ACHIEVEMENT OF THE DENVER BRONCOS

Mr. CAMPBELL. Mr. President, today I recognize the members of the World Champion Denver Broncos of the National Football League and their stunning Super Bowl victory this past weekend.

For the second consecutive year, the Denver Broncos have proven the value of dedication, preparation and execution as they played through the regular football season, into the playoffs and in the league championship, Super Bowl XXXIII.

I would also like to recognize the Atlanta Falcons for a terrific season. They deserve praise for their efforts and a well fought game. Few gave them a chance to make it as far as they did; but, they proved to everyone that they are a team of the future.

Most folks know how close the Denver Broncos came during the past season to going undefeated. In addition, the Denver Bronco players and the entire organization won more games during the three most recent seasons than any other NFL team. Great teams are measured by sustained success and by any measure, the Denver Broncos rank among the greatest teams in history. For the first time in nearly 20 years the Broncos, an American Football Conference team, won back to back Super Bowls. A total team effort was exemplified by the Denver Broncos this season.

Mr. President, I would also like to recognize several members of the Denver Broncos organization for their outstanding achievements during this past season. Specifically, Owner Pat Bowlen and Head Coach Mike Shanahan for their proven ability to assemble the necessary players and develop game plans that consistently provide victories for this franchise; Quarterback John Elway, Super Bowl XXXIII's Most Valuable Player and a consistent Pro Bowl caliber quarterback who for 16 seasons has been the uncontested leader of the Denver Broncos and a valuable civic leader and role model for young Americans; and running back Terrell Davis, the NFL's Most Valuable Player for the 1998–99 season.

These people are the most recognizable names in the Broncos' organization and are major contributors to the Broncos' success. But, like in my office, the total team effort is what made the Broncos victorious. The entire team worked together and went after and achieved a common goal. Each team member deserves to be recognized and I will mention them in numerical order: Jason Elam, Bubby Brister, Brian Griese, Tom Rouen, Tory James, Darrien Gordon, Vaughn Hebron, Darrius Johnson, Eric Brown, Steve Atwater, Tito Paul, Howard Griffith, Derek Loville, Tyrone Braxton, Anthony Lynn, Ray Crockett, Detron Smith, George Coghill, John Mobley, Bill Romanowski, Nate Wayne, Keith Burns, Glenn Cadrez, K.C. Johns, Dan Neil, David Diaz-Infante, Tom Nalen, Mark Schlereth, Trey Teague, Cyron Brown, Harry Swayne, Tony Jones, Matt Lepsis, Chris Banks, Rod Smith, Marcus Nash, Justin Armour, Shannon Sharpe, Willie Green, Byron Chamberlain, Ed McCaffrey, Dwayne Carswell, Neil Smith, Alfred Williams, Trevor Pryce, Keith Traylor, Marvin Washington, Harald Hasselbach, Mike Lodish, Maa Tanuvasa, Seth Joyner, Steve Russ, Jeff Lewis, Chris Gizzi, Andre Cooper, Tori Noel, Curtis Alexander, Viliami Maumau, Marvin Thomas; and the coaching staff, Frank Bush, Barney Chavous, Rick Dennison, Ed Donatell, George Dyer, Alex Gibbs, Mike Heimerdinger, Gary Kubiak, Pat McPherson, Brian Pariani, Ricky Porter, Greg Robinson, Greg Saporta, Rick Smith, John Teerlinck, Bobby Turner, and Rich Tuten.

Many people also underestimated the strength of the Denver Broncos' defense. When push came to shove, the defense kept the second best running back in the game this season from gaining 100 rushing yards and intercepted three passes from the opposing quarterback in the Super Bowl. Defense wins championships, and Denver's defense proved this to be true.

Mr. President, the offensive line needs to be recognized for an outstanding effort—season after season. The reason the Denver Broncos running and passing attack was so dominant was, in large part, due to the efforts of the offensive line.

The Denver Broncos have come a long way since their introduction into the American Football League in 1960, with their mustard and brown vertical striped socks, to the Denver Broncos of today which have dominated the NFL with two consecutive world championships.

It is a special honor for me to make a Senate floor statement for the second year in a row to congratulate the Denver Broncos. Today I invite my Senate colleagues to join me in a Mile High Salute to the World Champion Denver Broncos.

PRESIDENT CLINTON'S ADMINISTRATION OF JUSTICE BUDGET CUTS

Mr. HATCH. Mr. President, even as the Senate has been weighing historic matters, the important work of the Judiciary Committee has gone forward as well. I am pleased to report that the Judiciary Committee is working to develop an agenda that will continue the Senate's commitment to the American people to make our streets safe from crime, to ensure that the benefits of this great technological and communications age reach all our people unencumbered by artificial legal barriers, and to ensure that we preserve and protect the rule of law. I will have more to say in the coming days about this agenda. Today, however, I would like to focus my comments on what I believe are highly irresponsible cuts to administration of justice programs in the President's budget proposal.

This year, criminal justice issues should and will once again require the attention of the Senate. Many of our communities are not sharing equally in the decline in crime rates. For instance, according to FBI data, while the rate of violent crimes decreased nationally by four percent in 1997, the FBI's Uniform Crime Reports demonstrate that in the Mountain West, the decline was only 2.4 percent, and my state of Utah posted a slight increase. Similarly, property crimes decreased nationally 3.1 percent, but only decreased one-half of one percent in the Mountain West. Again, my state of Utah actually had an increase in property crime. Compared to rates in the Northeast, the violent crime rate is 46.4 percent higher in the West and 52.1 percent higher in the South.

And it is not just crime rates that need further improvement. The youth drug epidemic continues to plague us. According to the National Institute of Drug Abuse's Monitoring the Future surveys, drug use among our youth has grown substantially, and recent marginal improvement cannot hide the fact that more of our young people than ever are ensnared by drugs. From 1991 to 1998, the lifetime use of marijuana—the gateway to harder drugs—has increased among school-age youth. The number of 8th graders reporting to have ever used marijuana has increased by 55 percent from 1991 to 1998, and the number of 8th graders who have used marijuana within the past year has increased by 173 percent in that same time.

Not surprisingly, then, use of harder drugs has also increased. The number of 8th graders who have used cocaine within the past year has increased by 181 percent from 1991 to 1998, and the number these students who have used heroin within the past year has increased by 86 percent in the same time period. And significantly, 1997 to 1998, lifetime heroin use by 8th and 10th graders has increased by 0.2 percent, meaning that the use of this deadly drug is still on the rise among our youth.

Because we have so far to go in our fight against crime and drugs, I am particularly disturbed by the President's proposed budget for the Department of Justice. The Clinton budget provides only a marginal 1.6 percent increase in DOJ funding for FY 2000. But even this slight increase pales compared to the massive cuts President

Clinton is proposing in assistance to state and local law enforcement. Let me alert my colleagues to what the President is proposing.

Undisclosed by the Administration's spin machine and most media reports, President Clinton is proposing more than $1.5 billion in cuts to state and local crime fighting efforts. Among the programs on the President's chopping block is the entire Violent Offender and Truth in Sentencing Incentive Grant program. This program has, by any measure, been a tremendous success, providing critical seed money to states for bricks and mortar prison construction and thus making our streets safer.

Incarceration deters crime. Dramatic and historic reductions in sentence lengths and the expectation of punishment from the 1950s onward fueled steep increases in crime in the Sixties, Seventies, and Eighties. Only after these incarceration trends began to be reversed in this decade, did crime rates start to fall also.

The Violent Offender and Truth in Sentencing Incentive Grant program has been an important component of this effort. In response to federal assistance, states have changed their sentencing laws. As the President's own Justice Department reported just last month, because of this program, 70 percent of prison admissions in 1997 were in states requiring criminals to serve at least 85 percent of their sentence. The average time served by violent criminals has increased 12.2 percent since 1993. With such success, why would the President want to eliminate this program?

And he doesn't stop there. Also eliminated in the President's budget is the highly successful Local Law Enforcement Block Grant program, which since 1995 has provided more than $2 billion in funding for equipment and technology directly to state and local law enforcement. The President wants to cut 20 percent from the Bulletproof Vest Partnership Grant Act, which he signed into law just last year, to provide vests to protect officers whose departments otherwise could not afford this life-saving equipment. The President wants to cut $50 million from the successful and popular Byrne Grant program, which provides funding for numerous state crime-fighting initiatives, and he proposes funding changes that put this program at further risk in future budgets. The President wants to cut by $85 million funding that reimburses states for the costs of incarcerating criminal aliens. He wants to cut $4 million from the Violence Against Women program, and $12.5 million from COPS grants targeting violence against women. And the Clinton budget slashes the entire juvenile accountability block grant, which over the past two years has provided $500 million for states and local government to address the single most ominous crime threat we face—serious and violent juvenile crime.

Mr. President, the recent gains of state and local law enforcement in the fight against violent crime are fragile, and have been based largely on the Congress's endless push to place the interests of the law abiding over the establishment of new social spending programs. Time and again, Congress has had to remind President Clinton that government's first domestic responsibility is to keep our streets and communities free from crime.

From the earliest days of the Clinton Administration, the President proposed severe cuts in law enforcement. For example, in March 1993, the President took the unprecedented step of firing every incumbent United States Attorney, a move the Administrative Office of the U.S. Courts later said contributed to significant declines in federal prosecutions.

In 1994, the President proposed cutting 1,523 Department of Justice law enforcement positions, including 847 in the FBI, 355 in the DEA, and 143 in U.S. Attorney's offices. Congress said no.

In 1996, 1997, and 1998, the President has proposed cuts to state and local law enforcement assistance. Congress has said no.

And ever since 1995, the President has wanted to use badly needed prison construction grants intended for bricks and mortar to fund drug treatment and other social programs not shown to have the same crime deterrent effect. Congress has said no.

Now the President wants to cut the program entirely, and make further cuts in assistance to state and local law enforcement. Let me summarize these cuts:

$50 million in Byrne grants for state and local law enforcement—Cut.

$523 million in Local Law Enforcement Block Grants—Cut.

$645 million in Truth in Sentencing Grants—Cut.

$85 million for criminal alien incarceration—Cut.

$250 million for juvenile crime and accountability grants—Cut.

$4 million in Violence Against Women Grants—Cut.

$12.5 million in COPS grants targeting domestic violence—Cut.

Even the President's own COPS program—$125 million Cut.

And what does the President want to fund? $200 million for a program to turn prosecutors into social workers, who ''focus on the offender, rather than the specific offense,'' and provide punishments such as recreational programs for criminals up to age 22 who commit violent offenses, including weapons offenses, drug distribution, hate crimes, and civil rights violations.

It appears that Congress will have to say no again, and once again remind President Clinton that our government's first domestic duty is to protect the people from crime and violence. I will have more to say in the coming days about the President's budget and the Judiciary Committee's agenda, but suffice it to say, however, that I find President Clinton's budget for Administration of Justice spending is in need of significant attention.

I intend to see that this budget and administration of justice programs get that attention. As Chairman of the Judiciary Committee, I would like to advise my colleagues that a priority of the Committee this year will be the reauthorization of the Department of Justice. Included in this will be efforts to address expiring authorizations from the 1994 crime law, a number of which have been vital to assisting state and local government in reducing crime. I hope and expect that we will consider, on a bipartisan basis, the important funding and policy questions inherent in this effort, so to ensure that the Department can continue into the next century its important mission of upholding the rule of law.

We will hold a series of hearings, both in the newly established Criminal Justice Oversight Subcommittee and at Full Committee, with the goal being to ensure that the Department of Justice is making the most of the precious law enforcement dollars appropriated and that essential law enforcement priorities are being met for the American people.

Mr. President, I appreciate my colleagues' attention. I look forward to working with them on these important matters. I thank the Chair, and yield the floor.

RECORD CORRECTION

Mr. REID. On rollcall vote No. 8, the Senator from Maryland, Ms. MIKULSKI, was necessarily absent because of illness. In the CONGRESSIONAL RECORD of January 28, her vote was erroneously announced as ''aye.'' Her vote on rollcall vote No. 8 should have been announced as ''no.'' I ask unanimous consent that the RECORD be changed to reflect this correction.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, in accordance with 22 U.S.C. 1928a–1928d, as amended, appoints the Senator from Delaware (Mr. ROTH) as Chairman of the Senate Delegation to the North Atlantic Assembly during the 106th Congress.

APPOINTMENT BY THE MAJORITY LEADER

The PRESIDING OFFICER. The Chair, announces, on behalf of the Majority Leader, pursuant to Public Law 105–83, his appointment of the Senator from Alabama (Mr. SESSIONS) to serve as a member of the National Council on the Arts.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, in accordance with 22 U.S.C. 1928a–1928d, as amended, appoints the Senator from Delaware (Mr. BIDEN) as Vice Chairman of the Senate Delegation to the North Atlantic Assembly during the 106th Congress.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276h–276k, as amended, appoints the Senator from Connecticut (Mr. DODD) as Vice Chairman of the Senate Delegation to the Mexico-U.S. Interparliamentary Group during the 106th Congress.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT CONCERNING THE EMIGRATION LAWS AND POLICIES OF ALBANIA—MESSAGE FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT—PM 2

Under the authority of the order of the Senate of January 6, 1999, the Secretary of the Senate, on February 2, 1999, during the adjournment of the Senate, received the message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance.

To the Congress of the United States:

I am submitting an updated report to the Congress concerning the emigration laws and policies of Albania. The report indicates continued Albanian compliance with the U.S. and international standards in the area of emigration. In fact, Albania has imposed no emigration restrictions, including exit visa requirements, on its population since 1991.

On December 5, 1997, I determined and reported to the Congress that Albania is not in violation of paragraphs (1), (2), or (3) of subsection 402(a) of the Trade Act of 1974, or paragraphs (1), (2), or (3) of subsection 409(a) of that act. That action allowed for the continuation of normal trade relations status for Albania and certain other activities without the requirement of an annual waiver. This semiannual report is submitted as required by law pursuant to the determination of December 5, 1997.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *February 2, 1999.*

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1133. A communication from the Chairman of the Council of the District of the Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–467, ''Cathedral Way Symbolic Designation Act of 1998''; to the Committee on Governmental Affairs.

EC–1134. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–465, ''Department of Human Services and Commission on Mental Health Services Mandatory Employee Drug and Alcohol Testing Temporary Amendment Act of 1998''; to the Committee on Governmental Affairs.

EC–1135. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–461, ''Office of the Inspector General Law Enforcement Powers Amendment Act of 1998''; to the Committee on Governmental Affairs.

EC–1136. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–460, ''Closing of a Public Alley in Square 457, S.O. 90–364 Act of 1998''; to the Committee on Governmental Affairs.

EC–1137. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–459, ''Mutual Holding Company Mergers and Acquisition Amendment Act of 1998''; to the Committee on Governmental Affairs.

EC–1138. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–458, ''Uniform Prudent Investor Act of 1998''; to the Committee on Governmental Affairs.

EC–1139. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–457, ''Metropolitan African Methodist Episcopal Church Equitable Real Property Tax Relief Act of 1998''; to the Committee on Governmental Affairs.

EC–1140. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–456, ''Mount Calvary Holy Evangelistic Church Equitable Real Property Tax Relief Act of 1998''; to the Committee on Governmental Affairs.

EC–1141. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–455, ''Historic Motor Vehicle Vintage License Plate Amendment Act of 1998''; to the Committee on Governmental Affairs.

EC–1142. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–454, ''Adult Education Designation Temporary Amendment Act of 1998''; to the Committee on Governmental Affairs.

EC–1143. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–434, ''Vendor Payment and Drug Abuse, Alcohol Abuse, and Mental Illness Coverage Temporary Act of 1998''; to the Committee on Governmental Affairs.

EC–1144. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–453, ''Public School Nurse Assignment Temporary Amendment Act of 1998''; to the Committee on Governmental Affairs.

EC–1145. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–422, ''Board of Elections and Ethics Subpoena Authority Temporary Amendment Act of 1998''; to the Committee on Governmental Affairs.

EC–1146. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–426, ''Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Second Temporary Act of 1998''; to the Committee on Governmental Affairs.

EC–1147. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–399, ''Fiscal Year 1999 Budget Support Act of 1998''; to the Committee on Governmental Affairs.

EC–1148. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–418, ''Arson Investigators Amendment Act of 1998''; to the Committee on Governmental Affairs.

EC–1149. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–419, ''Office of the Inspector General Law Enforcement Powers Temporary Amendment Act of 1998''; to the Committee on Governmental Affairs.

EC–1150. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–420, ''Drug-Related Nuisance Abatement Temporary Act of 1998''; to the Committee on Governmental Affairs.

EC–1151. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. ACT 12–421, ''Oyster Elementary School Construction and Revenue Bond Act of 1998''; to the Committee on Governmental Affairs.

EC–1152. A communication from the Deputy Associate Administrator for Acquisition Policy, U.S. General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''General Services Administration Acquisition Regulation; Streamlining Administration of Federal Supply Service (FSS) Multiple Award Schedule [MAS) Contracts and Clarifying Marking Requirements'' (RIN3090–AG81) received on January 22, 1999; to the Committee on Governmental Affairs.

EC–1153. A communication from the Chairman and Chief Executive Officer of the Farm Credit Administration, transmitting, pursuant to law, the Administration's annual report under the Federal Managers' Financial Integrity Act for fiscal year 1998; to the Committee on Governmental Affairs.

EC–1154. A communication from the Chairman of the Armed Forces Retirement Home Board, transmitting, pursuant to law, the Board's annual report under the Federal Managers' Financial Integrity Act for fiscal year 1998; to the Committee on Governmental Affairs.

EC–1155. A communication from the Director of the National Science Foundation, transmitting, pursuant to law, the Foundation's annual report under the Federal Managers' Financial Integrity Act for fiscal year

1998; to the Committee on Governmental Affairs.

EC–1156. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Disclosure of Return Information to the Bureau of the Census'' (RIN1545–AV83) received on January 22, 1999; to the Committee on Finance.

EC–1157. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Action on Decision: Murillo v. Commissioner'' (Docket 18163–96) received on January 22, 1999; to the Committee on Finance.

EC–1158. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Indirect Food Additives: Adhesives and Components of Coatings'' (Docket 96F–0136) received on January 22, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–1159. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers'' (Docket 97F–0421) received on January 22, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–1160. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, notice of a proposal to provide Nonproliferation and Disarmament Fund assistance to support a Nuclear Suppliers Group Seminar; to the Committee on Foreign Relations.

EC–1161. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a cumulative report on rescissions and deferrals dated January 12, 1999; transmitted jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, to the Committee on the Budget, and to the Committee on Foreign Relations.

EC–1162. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the department's report on a schedule for the development of a prospective payment system for home health services furnished under the Medicare program; to the Committee on Finance.

EC–1163. A communication from the Chief of the Regulations Unit, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Texas Davis Mountains Viticultural Area'' (RIN1512–AA07) received on December 8, 1998; to the Committee on Finance.

EC–1164. A communication from the Chief Counsel of the Bureau of the Public Debt, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Sale and Issue of Marketable Book-Entry Treasury Bills, Notes, and Bonds'' (No. 1–93) received on January 20, 1999; to the Committee on Finance.

EC–1165. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Nonrecognition of Gain or Loss on Contribution'' (Rev. Rul. 99–5) received on January 15, 1999; to the Committee on Finance.

EC–1166. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Continuation of Partnership'' (Rev. Rul. 99–6) received on January 15, 1999; to the Committee on Finance.

EC–1167. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property'' (Rev. Rul. 99–8) received on January 21, 1999; to the Committee on Finance.

EC–1168. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Notice and Opportunity for Hearing Upon Filing of Notice of Lien'' (RIN1545–AW77) received on January 20, 1999; to the Committee on Finance.

EC–1169. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Notice and Opportunity for Hearing Before Levy'' (RIN1545–AW76) received on January 20, 1999; to the Committee on Finance.

EC–1170. A communication from the Executive Director of the District of Columbia Financial Responsibility and Management Assistance Authority, transmitting, pursuant to law, the Authority's first quarter report for fiscal year 1999; to the Committee on Governmental Affairs.

EC–1171. A communication from the Executive Director of the Committee for Purchase From People Who Are Blind or Severely Disabled, transmitting, pursuant to law, a list of additions to and deletions from the Committee's Procurement List dated January 13, 1999; to the Committee on Governmental Affairs.

EC–1172. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a list of General Accounting Office reports issued or released in December 1998; to the Committee on Governmental Affairs.

EC–1173. A communication from the Chair of the Christopher Columbus Fellowship Foundation, transmitting, pursuant to law, the foundation's annual report under the Federal Managers' Financial Integrity Act for fiscal year 1998; to the Committee on Governmental Affairs.

EC–1174. A communication from the Secretary of Health and Human Services, transmitting a draft of proposed legislation entitled ''The National Family Caregiver Support Act''; to the Committee on Health, Education, Labor, and Pensions.

EC–1175. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Department's annual report on the Comprehensive Community Mental Health Services for Children and Their Families Program; to the Committee on Health, Education, Labor, and Pensions.

EC–1176. A communication from the Acting Assistant General Counsel for Regulations, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Jacob K. Javits Fellowship Program'' received on January 20, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–1177. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medical Devices; Establishment Registration and Device Listing for Manufacturers and Distributors of Devices; Confirmation of Effective Date'' (Docket 98N–0520) received on January 19, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–1178. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Foods and Drugs; Technical Amendments'' received on January 19, 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–1179. A communication from the Secretary of the Interior and the Secretary of Commerce, transmitting, pursuant to law, a report on the socio-economic benefits to the United States of the striped bass resources of the Atlantic coast; to the Committee on Commerce, Science, and Transportation.

EC–1180. A communication from the Secretary of Commerce, transmitting, pursuant to law, the Department's report entitled ''Grant-In-Aid for Fisheries; Program Report 1997–1998'' received on January 20, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1181. A communication from the Associate Managing Director for Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Policies and Rules Concerning Unauthorized Changes of Consumers' Long Distance Carriers'' (Docket No. 94–129) received on January 20, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1182. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Tuna Fisheries; Atlantic Bluefin Tuna'' (I.D. 122198B) received on January 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1183. A communication from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Framework Adjustment 26'' (RIN0648–AM14) received on January 20, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1184. A communication from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery off the Southern Atlantic States; Amendment 9; OMB Control Numbers'' (I.D. 082698D) received on January 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1185. A communication from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone off Alaska; Vessel Moratorium Program'' (I.D. 090998B) received on January 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1186. A communication from the Acting Clerk of the United States Court of Federal Claims, transmitting, pursuant to law, the Court's annual report for fiscal year 1998; to the Committee on the Judiciary.

EC–1187. A communication from the Deputy Under Secretary of Defense for Environmental Security, transmitting, pursuant to law, the Department's report on military installations where an integrated natural resources management plan is not appropriate; to the Committee on Armed Services.

EC–1188. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, pursuant to law, the Department's report on Threatened National Historic Landmarks; to the Committee on Energy and Natural Resources.

EC–1189. A communication from the President of the United States, transmitting, pursuant to law, a report on the Australia Group's controls on items governed under the Chemical Weapons Convention; to the Committee on Foreign Relations.

EC–1190. A communication from the President of the United States, transmitting, pursuant to law, a report on cost-sharing arrangements relative to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and Their Destruction; to the Committee on Foreign Relations.

EC–1191. A communication from the Director of the Federal Emergency Management Agency, transmitting, pursuant to law, a report on funding expenditures relative to the emergency declared as a result of Hurricane Georges' impact on Mississippi; to the Committee on Environment and Public Works.

EC–1192. A communication from the Director of the Federal Emergency Management Agency, transmitting, pursuant to law, a report on funding expenditures relative to the emergency declared as a result of Hurricane Georges' impact on Puerto Rico; to the Committee on Environment and Public Works.

EC–1193. A communication from the Director of the Federal Emergency Management Agency, transmitting, pursuant to law, a report on funding expenditures relative to the emergency declared as a result of Hurricane Georges' impact on the Territory of the United States Virgin Islands; to the Committee on Environment and Public Works.

EC–1194. A communication from the Director of the Federal Emergency Management Agency, transmitting, pursuant to law, a report on funding expenditures relative to the emergency declared as a result of Hurricane Georges' impact on the State of Florida; to the Committee on Environment and Public Works.

EC–1195. A communication from the Service Federal Register Liaison Officer, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Emergency Rule to List the San Bernardino Kangaroo Rat as Endangered'' (RIN1018–AE59) received on January 20, 1999; to the Committee on Environment and Public Works.

EC–1196. A communication from the Administrator of the Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Implementation of Preferred Lender Program and Streamlining of Guaranteed Loan Regulations'' (RIN0560–AF38) received on January 19, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1197. A communication from the Administrator of the Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Agency Responsibilities, Organization, and Terminology; Final Rule'' (Docket 97–045F) received on January 19, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1198. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Hazardous Waste Treatment, Storage, and Disposal Facilities and Hazardous Waste Generators; Organic Air Emission Standards for Tanks, Surface Impoundments, and Containers'' (FRL6221–9) received on January 15, 1999; to the Committee on Environment and Public Works.

EC–1199. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Designation of Areas for Air Quality Planning Purposes; State of Missouri'' (FRL6220–1) received on January 15, 1999; to the Committee on Environment and Public Works.

EC–1200. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Final Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Bay Area Air Quality Management District'' (FRL6220–2) received on January 15, 1999; to the Committee on Environment and Public Works.

EC–1201. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Texas; Reasonably Available Control Technology for Emissions of Volatile Organic Compounds'' (FRL6207–4) received on January 15, 1999; to the Committee on Environment and Public Works.

EC–1202. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Acquisition Regulation: Administrative Amendments'' (FRL6222–5) received on January 15, 1999; to the Committee on Environment and Public Works.

EC–1203. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Ambient Air Quality Surveillance for Lead'' (FRL6221–2) received on January 14, 1999; to the Committee on Environment and Public Works.

EC–1204. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; State of Utah; Salt Lake City Carbon Monoxide Redesignation to Attainment, Designation of Areas For Air Quality Planning Purposes, and Approval of Related Revisions'' (FRL6201–8) received on January 14, 1999; to the Committee on Environment and Public Works.

EC–1205. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Implementation Plans; California State Implementation Plan Revision, Antelope Valley Air Pollution Control District'' (FRL6213–5) received on January 14, 1999; to the Committee on Environment and Public Works.

EC–1206. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Confirmation of Approval and Technical Amendment to Update the EPA Listing of OMB Approval Numbers Under the Paperwork Reduction Act'' (FRL6048–8) received on January 14, 1999; to the Committee on Environment and Public Works.

EC–1207. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Fenpropathrin; Pesticide Tolerances for Emergency Exemptions'' (FRL6047–3) received on January 14, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1208. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Imidacloprid; Pesticide Tolerances for Emergency Exemptions'' (FRL6051–6) received on January 14, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1209. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Propiconazole; Pesticide Tolerances for Emergency Exemptions'' (FRL6049–8) received on January 14, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1210. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Texas; Multiple Air Contaminant Sources or Properties'' (FRL6222–1) received on January 22, 1999; to the Committee on Environment and Public Works.

EC–1211. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval of Section 112(1) Authority for Hazardous Air Pollutants; Perchloroethylene Air Emissions Standards for Dry Cleaning Facilities; State of California; Yolo-Solano Air Quality Management District'' (FRL6222–7) received on January 22, 1999; to the Committee on Environment and Public Works.

EC–1212. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Diflufenzopyr; Pesticide Tolerance'' (FRL6053–8) received on January 22, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1213. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Nevada: Final Authorization of State Hazardous Waste Management Program Revision'' (FRL6226–1) received on January 22, 1999; to the Committee on Environment and Public Works.

EC–1214. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Subtitle D Regulated Facilities; State Permit Program Determination of Adequacy; State Implementation Rule—Amendments and Technical Corrections'' (FRL6223–8) received on January 22, 1999; to the Committee on Environment and Public Works.

EC–1215. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revocation of Tolerances and Exemptions from the Requirement of a Tolerance for Canceled Pesticide Active Ingredients; Correction'' (FRL6044–2) received on January 19, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1216. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection

Agency, transmitting, pursuant to law, the report of a rule entitled ''Tebufenozide; Extension of Tolerance for Emergency Exemptions'' (FRL6053–4) received on January 19, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1217. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Maryland; Control of VOC's from the Manufacture of Explosives and Propellant'' (FRL6218–2) received on January 21, 1999; to the Committee on Environment and Public Works.

EC–1218. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Final Exclusion'' (FRL6223–5) received on January 21, 1999; to the Committee on Environment and Public Works.

EC–1219. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Protection of Stratospheric Ozone: Listing Hexafluoropropylene (HFP) and HFP-Containing Blends as Unacceptable Refrigerants Under EPA's Significant New Alternatives Policy (SNAP) Program'' (FRL6224–7) received on January 21, 1999; to the Committee on Environment and Public Works.

EC–1220. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Protection of Stratospheric Ozone: Listing MT–31 as an Unacceptable Refrigerant Under EPA's Significant New Alternatives Policy (SNAP) Program'' (FRL6224–6) received on January 21, 1999; to the Committee on Environment and Public Works.

EC–1221. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Fee for Services to Support FEMA's Offsite Radiological Emergency Preparedness Program'' (63FR69001) received on January 19, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–1222. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''List of Communities Eligible for the Sale of Flood Insurance'' (63FR70036) received on January 19, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–1223. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' (63FR67004) received on January 19, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–1224. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility'' (63FR70037) received on January 19, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–1225. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations'' (63FR67001) received on January 19, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–1226. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations'' (63FR67003) received on January 19, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–1227. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; McDonnell Douglass Model MD–11 Series Airplanes'' (Docket 98–NM–348–AD) received on January 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1228. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 727 Series Airplanes Modified in Accordance with Supplemental Type Certificate SA1444SO, SA1543SO, SA1896SO, SA1740SO, or SA1667SO'' (Docket 97–NM–81–AD) received on January 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1229. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 727 Series Airplanes Modified in Accordance with Supplemental Type Certificate ST00015AT'' (Docket 97–NM–80–AD) received on January 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1230. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 727 Series Airplanes Modified in Accordance with Supplemental Type Certificate SA1767S0, SA1768SO, or SA7447SW'' (Docket 97–NM–09–AD) received on January 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1231. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 727 Series Airplanes Modified in Accordance with Supplemental Type Certificate SA1368SO, SA1797SO, or SA1798SO'' (Docket 97–NM–79–AD) received on January 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1232. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Pratt and Whitney JT8B and JT3D Series Turbofan Engines'' (Docket 98–ANE–77–AD) received on January 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1233. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; British Aerospace Jetstream Model 3101 Airplanes'' (Docket 98–CE–100–AD) received on January 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1234. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; British Aerospace Jetstream Model 3101 Airplanes'' (Docket 98–CE–99–AD) received on January 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1235. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; All Airplane Models of the New Piper Aircraft, Inc. (formerly Piper Aircraft Corporation) That are Equipped with Wing Lift Struts'' (Docket 96–CE–72–AD) received on January 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1236. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Raytheon Aircraft Company Models 1900, 1900C, and 1900D Airplanes'' (Docket 98–CE–23–AD) received on January 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1237. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 747 Series Airplanes'' (Docket 98–NM–327–AD) received on January 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1238. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Wise, VA'' (Docket 98–AEA–39) received on January 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1239. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Winchester, VA'' (Docket 98–AEA–42) received on January 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1240. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Milton, WV'' (Docket 98–AEA–41) received on January 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1241. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operation Regulations: Taunton River, MA'' (Docket 01–97–098) received on January 11, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1242. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulations; Eighth Coast Guard District Annual Marine Events'' (Docket 08–98–018) received on January 11, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1243. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A321 Series Airplanes'' (Docket 98–NM–302–AD) received on January 11, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1244. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 757 Series Airplanes'' (Docket 98–NM–336–AD) received on January 11, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1245. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Rolls–Royce Limited, Bristol Engines Division and Rolls–Royce (1971) Limited, Bristol Engines Division Viper Series Turbojet Engines'' (Docket 98–ANE–06–AD) received on January 11, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1246. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; McDonnell Douglas Model MD–11 Series Airplanes'' (Docket 96–NM–227–AD) received on January 11, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1247. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 757–200 Series Airplanes Powered by Rolls–Royce RB211–535E4/E4B Engines'' (Docket 97–NM–311–AD) received on January 11, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1248. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; West Plains, MO'' (Docket 98–ACE–37) received on January 11, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1249. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A310 Series Airplanes'' (Docket 95–NM–275–AD) received on January 11, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1250. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Sikorsky Aircraft Corporation Model S–61A, D, E, L, N, NM, R, and V Helicopters'' (Docket 96–SW–29–AD) received on January 11, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1251. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of VOR Federal Airway V–485; San Jose, CA'' (Docket 95–AWP–6) received on January 11, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1252. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Department of Transportation Acquisition Regulations'' (RIN2105–ZZ02) received on January 8, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1253. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Pilatus Aircraft Ltd. Models PC–12 and PC12/45 Airplanes; Correction'' (Docket 98–CE–40–AD) received on January 8, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1254. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Twin Commander Aircraft Corporation 500, 680, 690, and 695 Series Airplanes'' (Docket 98–CE–54–AD) received on January 8, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1255. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Hugo, OK'' (Docket 98–ASW–46) received on January 8, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1256. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Carrizo Springs, Glass Ranch Airport, TX'' (Docket 98–ASW–44) received on January 8, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1257. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Oak Grove, LA'' (Docket 98–ASW–45) received on January 8, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1258. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; General Electric Company CF6–80C2 Series Turbofan Engines'' (Docket 98–ANE–75–AD) received on January 8, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1259. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Uninsured Relative Workshop Inc. Vector Parachute Systems'' (Docket 98–CE–101–AD) received on January 8, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1260. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 737–100 and –200 Series Airplanes'' (Docket 98–NM–72–AD) received on January 8, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1261. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Meade, KS; Correction'' (Docket 98–ACE–43) received on January 8, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1262. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Remove Class D Airspace; Fort Leavenworth, KS'' (Docket 98–ACE–44) received on January 8, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1263. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Dubuque, IA'' (Docket 98–ACE–58) received on January 8, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1264. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Perry, IA'' (Docket 98–ACE–52) received on January 8, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1265. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Fort Madison, IA'' (Docket 98–ACE–57) received on January 8, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1266. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Schweizer Aircraft Corporation Model 269D Helicopters'' (Docket 98–SW–13–AD) received on January 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1267. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bell Helicopter Textron Canada (BHTC) Model 430 Helicopters'' (Docket 98–SW–68–AD) received on January 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1268. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A320 Series Airplanes'' (Docket 98–NM–215–AD) received on January 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1269. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Fokker Model F.28 Mark 0070 Series Airplanes'' (Docket 98–NM–279–AD) received on January 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1270. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Columbus, NE'' (Docket 98–ACE–62) received on January 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1271. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A330–301, –321, –322, –341, –342, and A340–211, –212, –213, –311, –312, and –313 Series Airplanes'' (Docket 98–NM–310–AD) received on January 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1272. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; McDonnell Douglas Helicopter Systems Model MD–900 Helicopters'' (Docket 98–NM–310–AD) received on January 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1273. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Israel Aircraft Industries (IAI), Ltd., Model 1121, 1121A, 1121B, 1123, 1124, and 1124A Series Airplanes'' (Docket 98–NM–108–AD) received on January 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1274. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Romulus, NY'' (Docket 98–AEA–40) received on January 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1275. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Carrolton, GA'' (Docket 98–ASO–18) received on January 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1276. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments'' (Docket 29430) received on January 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1277. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revocation of Class E Airspace, Victorville, Georgia AFB, CA'' (Docket 98–AWP–32) received on January 21,

1999; to the Committee on Commerce, Science, and Transportation.

EC–1278. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bell Helicopter Textron Canada (BHTC) Model 407 Helicopters'' (Docket 98–SW–43–AD) received on January 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1279. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments'' (Docket 29437) received on January 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1280. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments'' (Docket 29438) received on January 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1281. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Fort Dodge, IA'' (Docket 98–ACE–61) received on January 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1282. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Burlington, IA'' (Docket 98–ACE–56) received on January 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1283. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Des Moines, IA'' (Docket 98–ACE–55) received on January 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1284. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulations; Hillsborough Bay, Tampa, Florida'' (Docket 07–98–041) received on January 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1285. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Temporary Drawbridge Regulation; Illinois Waterway, Illinois'' (Docket 08–98–073) received on January 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1286. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Explosive Loads and Detonations, Bath Iron Works, Bath, ME'' (Docket 01–98–AA97) received on January 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1287. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 747 Series Airplanes'' (Docket 97–NM–308–AD) received on January 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1288. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A320 Series Airplanes'' (Docket 98–NM–08–AD) received on January 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1289. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A320 Series Airplanes'' (Docket 98–NM–356–AD) received on January 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1290. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A320 Series Airplanes'' (Docket 98–NM–357–AD) received on January 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1291. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 737–100, –200, –300, –400, and –500 Series Airplanes'' (Docket 97–NM–238–AD) received on January 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1292. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Honeywell IC–600 Integrated Avionics Computers, as Installed in, but not Limited to, Empresa Brasileria de Aeronautica S.A. (EMBRAER) Model EMB–145 Series Airplanes'' (Docket 98–NM–142–AD) received on January 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1293. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A340–211, –212, –213, –311, –312, and –313 Series Airplanes'' (Docket 98–NM–297–AD) received on January 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1294. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A319, A320, and A321 Series Airplanes'' (Docket 98–NM–07–AD) received on January 21, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1295. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Westland Helicopters Ltd. 30 Series 100 and 100–60 Helicopters'' (Docket 97–SW–40–AD) received on January 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1296. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 747 Series Airplanes'' (Docket 97–NM–309–AD) received on January 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1297. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 747 Series Airplanes'' (Docket 97–NM–360–AD) received on January 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1298. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; McDonnell Douglass Model DC–10 Series Airplanes and KC–10A (Military) Airplanes'' (Docket 97–NM–288–AD) received on January 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1299. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Rockland, ME'' (Docket 98–ANE–95) received on January 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1300. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Metropolitan Oakland International Airport, California; Correction'' (Docket 98–AWP–22) received on January 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1301. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision to Class E Airspace; Reno, NV'' (Docket 98–AWP–23) received on January 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1302. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Special Federal Aviation Regulation No. 36, Development of Major Repair Data'' (Docket FAA–1998–4654) received on January 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1303. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Crewmember Interference, Portable Electronic Devices, and Other Passenger Related Requirements'' (Docket FAA–1998–4954) received on January 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1304. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operating Regulation; Lafourche Bayou, LA'' (Docket 08–98–064) received on January 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1305. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Temporary Drawbridge Regulations; Mississippi River, Iowa and Illinois'' (Docket 08–98–079) received on January 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1306. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Federal Motor Vehicle Safety Standards; Occupant Crash Protection'' (Docket NHTSA–98–4934) received on January 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1307. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Incentive Grants for Alcohol-Impaired Driving Prevention Programs'' (Docket NHTSA–98–4942) received on January 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1308. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Truck Size and Weight; National Network; North Dakota'' (Docket 98–3467) received on January 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1309. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Temporary Drawbridge Regulations; Mississippi River, Iowa

and Illinois'' (Docket 08–98–077) received on January 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1310. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Regattas and Marine Parades'' (Docket 95–054) received on January 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1311. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Emergency Control Measures for Tank Barges'' (Docket 1998–4443) received on January 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1312. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Regulated Navigation Area: Navigable Waters Within the First Coast Guard District'' (Docket 01–98–151) received on January 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1313. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Raytheon Aircraft Company Models 1900, 1900C, and 1900D Airplanes'' (Docket 97–CE–153–AD) received on January 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1314. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A310 and A300–600 Series Airplanes Equipped with Pratt and Whitney JT9D–7R4 or 4000 Series Airplanes'' (Docket 98–NM–358–AD) received on January 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1315. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; McDonnell Douglas Model DC–9–10, –20, –30, –40, and –50 Series Airplanes, and C–9 (Military) Airplanes'' (Docket 97–NM–56–AD) received on January 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1316. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A300 B4–600R and A300 F4–600R Series Airplanes'' (Docket 98–NM–361–AD) received on January 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1317. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; British Aerospace Jetstream Model 3201 Airplanes'' (Docket 98–CE–75–AD) received on January 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1318. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''IFR Altitudes; Miscellaneous Amendments'' (Docket 29418) received on January 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1319. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; McCauley Propeller Systems Models 2A36C23/84B–0 and 2A36C82/84B–2 Propellers'' (Docket 98–ANE–34–AD) received on January 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1320. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; British Aerospace (Operations) Limited Model B.121 Series 1, 2, and 3 Airplanes'' (Docket 97–CE–122–AD) received on January 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1321. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Rolls Royce Limited, Bristol Engines Division, Viper Models Mk.521 and Mk.522 Turbojet Engines'' (Docket 98–ANE–01–AD) received on January 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1322. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Saab Model SAAB 2000 Series Airplanes'' (Docket 98–NM–239–AD) received on January 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1323. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Dassault Model Mystere-Falcon 20 Series Airplanes, Fan Jet Falcon Series Airplanes, and Fan Jet Falcon Series D, E, and F Series Airplanes'' (Docket 98–NM–221–AD) received on January 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1324. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; McDonnell Douglas Model DC9–10, –20, –30, –40, and –50 Series Airplanes, and C–9 (Military) Airplanes'' (Docket 98–NM–06–AD) received on January 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1325. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 747 Series Airplanes'' (Docket 97–NM–59–AD) received on January 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1326. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier Model CL–600–2B19 (Regional Jet Series 100 and 200) Series Airplanes'' (Docket 98–NM–330–AD) received on January 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1327. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Dornier Model 328–100 Series Airplanes'' (Docket 98–NM–290–AD) received on January 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1328. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; British Aerospace (Jetstream) Model 4101 Airplanes'' (Docket 97–NM–195–AD) received on January 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1329. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class D and E Airspace, Amendment to Class D and E Airspace; Montgomery, AL'' (Docket 98–ASO–12) received on January 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1330. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Burnet, TX'' (Docket 98–ASW–48) received on January 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1331. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Austin, TX'' (Docket 98–ASW–49) received on January 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1332. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Taylor, TX'' (Docket 98–ASW–50) received on January 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1333. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Austin, Horseshoe Bay, TX and Revocation of Class E Airspace, Marble Falls, TX'' (Docket 98–ASW–51) received on January 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1334. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; San Angelo, TX'' (Docket 98–ASW–52) received on January 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1335. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Roswell, NM'' (Docket 98–ASW–53) received on January 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC–1336. A communication from the Administrator of the Food and Nutrition Service, Dapartment of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Food Distribution Programs: FDPIHO - Oklahoma Waiver Authority'' (RIN0584–AB56) received on January 20, 1999; to the Committee on Indian Affairs.

EC–1337. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report under the Federal Vacancies Reform Act regarding the position of Assistant Secretary of Transportation for Governmental Affairs; to the Committee on Commerce, Science, and Transportation.

EC–1338. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, an update to the pay-as-you-go section of the November 25, 1998, OMB report on the Onmibus Consolidated and Emergency Supplemental Appropriations Act; to the Committee on the Budget.

EC–1339. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Marine Mammals; Incidental Take During Specified Activities'' (RIN1018–AF02) received on January 25, 1999; to the Committee on Environment and Public Works.

EC–1340. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Species: Threatened Status

for Two ESUs of Steelhead in Washington, Oregon, and California'' (I.D. 073097E) received on January 5, 1999; to the Committee on Environment and Public Works.

EC–1341. A communication from the Regulatory Policy Officer, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Prohibit Certain Alcohol Beverage Containers and Standards of Fill for Distilled Spirits and Wine'' (RIN1512–AB889) received on January 22, 1999; to the Committee on Finance.

EC–1342. A communication from the Federal Register Certifying Officer, Financial Management Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Barring Delinquent Debtors from Obtaining Federal Loans or Loan Insurance or Guarantees'' (RIN1510–AA71) received on December 2, 1998; to the Committee on Finance.

EC–1343. A communication from the Fiscal Assistant Secretary, Department of the Treasury, transmitting, pursuant to law, the Department's report on exceptions to the prohibition against favored treatment of a government securities broker or dealer for calendar year 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–1344. A communication from the Fiscal Assistant Secretary, Department of the Treasury, transmitting, pursuant to law, the Department's report on material violations or suspected material violations of regulations relating to Treasury and other securities auctions for calendar year 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–1345. A communication from the Chief Counsel of the Bureau of the Public Debt, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Government Securities Act Regulations: Reports and Audit'' (RIN1505–AA74) received on January 12, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–1346. A communication from the Assistant Secretary for Export Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the Export Administration Regulations; Exports and Reexports to Specially Designated Terrorists and Foreign Terrorist Organizations'' (RIN0694–AB63) received on January 8, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–1347. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations'' (Docket FEMA–7256) received on December 14, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC–1348. A communication from the Commissioner of the Bureau of Reclamation, Department of the Interior, transmitting, pursuant to law, a report on safety modifications and proposed corrective actions applicable to the Casitas Dam, Ventura River Project, California; to the Committee on Energy and Natural Resources.

EC–1349. A communication from the Assistant Secretary for Employment Standards, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Claims for Compensation under the Federal Employees' Compensation Act; Compensation for Disability and Death of Noncitizen Federal Employees Outside the United States'' (RIN1215–AB07) received on December 14, 1998; to the Committee on Governmental Affairs.

EC–1350. A communication from the General Counsel of the office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report under the Federal Vacancies Reform Act relative to the position of Controller of the Office of Management and Budget; to the Committee on Governmental Affairs.

EC–1351. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Department's annual Surplus Property Report for fiscal year 1998; to the Committee on Governmental Affairs.

EC–1352. A communication from the Chief of Staff of the White House, transmitting, pursuant to law, a report on the Executive Office of the President's Drug Free Workplace Plan; to the Committee on Governmental Affairs.

EC–1353. A communication from the Secretary of Energy, transmitting, pursuant to law, the Department's report on Russian taxation of nonproliferation funds furnished by the Department of Energy's Initiatives for Proliferation Preventation; to the Committee on Armed Services.

EC–1354. A communication from the Acting Assistant Secretary of Defense for Force Management Policy, transmitting, pursuant to law, the Department's report on the Uniform Resource Demonstration project; to the Committee on Armed Services.

EC–1355. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Drug Labeling; Warning and Direction Statements for Rectal Sodium Phosphates for Over-the-Counter Laxative Use; Final Rule; Stay of Compliance'' (RIN0910–AA01) received on December 14, 1998; to the Committee on Health, Education, Labor, and Pensions.

EC–1356. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Package Size Limitation for Sodium Phosphates Oral Solution and Warning and Direction Statements for Oral and Rectal Sodium Phosphates for Over-the-Counter Laxative Use'' (RIN0910–AA01) received on December 14, 1998; to the Committee on Health, Education, Labor, and Pensions.

EC–1357. A communication from the Assistant Secretary for Employment Standards, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Use and Disclosure of Federal Employees' Compensation Act Claims File Material'' (RIN1215–AB18) received on November 6, 1998; to the Committee on Health, Education, Labor, and Pensions.

EC–1358. A communication from the General Counsel of the Federal Labor Relations Authority, transmitting, pursuant to law, the report of a rule entitled ''Unfair Labor Practice Proceedings'' received on December 2, 1998; to the Committee on Health, Education, Labor, and Pensions.

EC–1359. A communication from the Executive Director of the Federal Labor Relations Authority, transmitting, pursuant to law, the report of a rule entitled ''Negotiability Proceedings'' received on December 2, 1998; to the Committee on Health, Education, Labor, and Pensions.

EC–1360. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a report on the International Monetary Fund's financing package for Brazil; to the Committee on Foreign Relations.

EC–1361. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the Department's report relative to the license review of satellites and related items; to the Committee on Foreign Relations.

EC–1362. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, notice of a Presidential Determination on the waiver and certification of statutory provisions regarding the Palestine Liberation Organization (No. 99–5); to the Committee on Foreign Relations.

EC–1363. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations'' (63 FR54373) received on December 14, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC–1364. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations'' (63 FR64418) received on December 14, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC–1365. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations'' (Docket FEMA–7273) received on December 14, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC–1366. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''List of Communities Eligible for the Sale of Flood Insurance'' (Docket FEMA–7697) received on December 14, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC–1367. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''List of Communities Eligible for the Sale of Flood Insurance'' (Docket FEMA–7700) received on December 14, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC–1368. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility'' (Docket FEMA–7698) received on December 14, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC–1369. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility'' (Docket FEMA–7701) received on December 14, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC–1370. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determination'' (63 FR54378) received on December 14, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC–1371. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determination'' (63 FR64420) received on December 14, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC–1372. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Disaster Assistance; Redesign of Public Assistance Project Administration'' (RIN3067–AC89) received on December 14, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC–1373. A communication from the President of the United States, transmitting, pursuant to law, the Budget of the United States Government for Fiscal Year 2000; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations and to the Committee on the Budget.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–14. A resolution adopted by the Council of the City of Camden, New Jersey, relative to the impeachment of the President of the United States; ordered to lie on the table.

POM–15. A resolution adopted by the Board of Commissioners of the Humbolt Bay Harbor Recreation and Conservation District, Eureka, California, relative to proposed infrastructure rebuilding legislation; to the Committee on Environment and Public Works.

POM–16. A resolution adopted by the Council of the Town of Grundy, Virginia, relative to steel and coke exports; to the Committee on Finance.

POM–17. A resolution adopted by the General Assembly of the State of New Jersey; ordered to be printed and to lie on the table.

ASSEMBLY RESOLUTION NO. 166

Whereas, the establishment of high occupancy vehicle (''HOV'') lane restrictions on Interstate Highway Route No. 287 (''I–287'') was intended as a means of promoting car pooling in an effort to improve the State's air quality; and

Whereas, the number of eligible vehicles that use the HOV lanes on I–287 has not come close to meeting the State's expected projections for land usage, which shows that the HOV lane restrictions have not had the effect of encouraging car pooling at satisfactory levels; and

Whereas, because of the HOV lane restrictions on I–287, a much larger number of citizens who use the non-restricted lanes of that highway are subjected to frequent heavy traffic situations, which result in high costs in fuel burned and hourly wages lost, while the overall levels of air pollution and noise increase, all of which represent a severe reduction in the quality of life of those citizens; and

Whereas, since a considerable amount of effort is used by the State Police in enforcing the HOV lane restrictions on I–287, the availability of the State Police in combating other motor vehicle-related crimes on other highways of this State is diminished; and

Whereas, it is appropriate for this House to express this policy to protect the citizens of this State who are adversely affected by excessive automobile, bus and truck traffic as a result of the HOV lane restrictions; and

Whereas, it is altogether fitting and proper that the Legislature memorialize Congress to enact Congresswoman Roukema's amendment to H.R. 4328 which would require the United States Secretary of Transportation to waive repayment of any Federal-aid highway funds expended on the construction of HOV lanes on I–287 if the New Jersey Commissioner of Transportation assures the Secretary that the removal of HOV lane restrictions on I–287 is in the public interest; now, therfore, be it

RESOLVED by the General Assembly of the State of New Jersey:

1. The Congress of the United States is respectfully memorialized to enact Congresswoman Roukema's amendment to H.R. 4328 which would require the United States Secretary of Transportation to waive repayment of any Federal-aid highway funds expended on the construction of high occupancy vehicle (''HOV'') lanes on Interstate Highway Route 287 if the New Jersey Commissioner of Transportation assures the Secretary that the removal of HOV lane restrictions on Interstate Route 287 is in the public interest.

2. Duly authenticated copies of this resolution, signed by the Speaker of the General Assembly and attested by the Clerk thereof, shall be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the New Jersey Commissioner of Transportation, the United States Secretary of Transportation, and each member of Congress from the State of New Jersey.

POM–18. A resolution adopted by the General Assembly of the State of New Jersey; to the Committee on the Judiciary.

ASSEMBLY RESOLUTION NO. 119

Whereas, the U.S. Department of Transportation, pursuant to the 1996 Immigration Reform Act, has proposed regulations requiring states to follow federal guidelines in producing and issuing drivers' licenses; and

Whereas, these regulations would mandate that all states collect and verify the social security numbers of licensed drivers and that these numbers be placed on the licenses of these drivers in a form that is electronically readable, unless the state explicitly prohibits this practice; and

Whereas, these regulations would further allow the federal government to dictate the acceptable evidence and documentation of identity required to obtain a state driver's license; and

Whereas, these regulations would impose a significant cost burden on New Jersey by requiring the reformatting of its driver's license and the establishment of an electronic verification system with the Social Security Administration; and

Whereas, the placement of social security numbers on New Jersey driver's licenses, unless a law expressly prohibiting this practice is enacted, raises serious concerns about the security of the personal information of this State's drivers in an era when ''identity theft'' and other breaches of privacy are on the increase; and

Whereas, these regulations would impose an unfunded federal mandate on the states that promises to far exceed, in total, the maximum $100 million permitted under the Unfunded Mandate Reform Act of 1994 and, contrary to the provisions of that act, have been put forth without ''timely and meaningful input'' from state elected officials or their national organizations, according to the National Council of State Legislatures; and

Whereas, by proposing these regulations to implement a provision of the Immigration Reform Act, the U.S. Department of Transportation is, in effect, seeking to federalize the production and issuance of driver's licenses, functions which heretofore have remained in the domain of the states; now, therefore be it

Resolved by the General Assembly of the State of New Jersey:

1. That this House respectfully petitions the Congress of the United States to prevent this costly and unnecessary intrusion on the prerogatives of the states to produce and issue drivers' licenses in keeping with the dictates of their citizens by repealing Section 656(b) of the Immigration Reform Act of 1996, which the proposed Department of Transportation regulations are intended to implement.

2. Duly authenticated copies of this resolution, signed by the Speaker and attested by the Clerk, shall be transmitted to the Vice President of the United States and the Speaker of the House of Representatives and to each member of Congress elected from this State.

REPORTS OF COMMITTEE SUBMITTED DURING ADJOURNMENT

Under the authority of the order of the Senate of December 8, 1990, the following reports of committees were submitted on February 2, 1999:

By Mr. WARNER, from the Committee on Armed Services, with an amendment in the nature of a substitute:

S. 4: A bill to improve pay and retirement equity for members of the Armed Forces; and for other purposes (Rept. No. 106–1).

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROTH, from the Committee on Finance, without amendment:

S. 262: A bill to make miscellaneous and technical changes to various trade laws, and for other purposes (Rept. No. 106–2).

By Mr. SHELBY, from the Committee on Intelligence:

Special Report entitled ''Committee Activities of the Select Committee on Intelligence'' (Rept. No. 106–3).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. LEAHY (for himself, Mr. TORRICELLI, Mr. DEWINE, Mr. JEFFORDS, Mr. KENNEDY, Mr. HARKIN, Ms. MIKULSKI, Mr. LEVIN, Mr. KERRY, Mrs. MURRAY, Mrs. BOXER, and Mr. SARBANES):

S. 333. A bill to amend the Federal Agriculture Improvement and Reform Act of 1996 to improve the farmland protection program; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. AKAKA:

S. 334. A bill to amend the Federal Power Act to remove the jurisdiction of the Federal Energy Regulatory Commission to license projects on fresh waters in the State of Hawaii; to the Committee on Energy and Natural Resources.

By Ms. COLLINS (for herself, Mr. COCHRAN, Mr. LEVIN, Mr. DURBIN, and Mr. BURNS):

S. 335. A bill to amend chapter 30 of title 39, United States Code, to provide for the nonmailability of certain deceptive matter relating to games of chance, administrative procedures, orders, and civil penalties relating to such matter, and for other purposes; to the Committee on Governmental Affairs.

By Mr. LEVIN (for himself, Mr. DURBIN, and Ms. COLLINS):

S. 336. A bill to curb deceptive and misleading games of chance mailings, to provide Federal agencies with additional investigative tools to police such mailings, to establish additional penalties for such mailings, and for other purposes; to the Committee on Governmental Affairs.

By Mr. HUTCHINSON (for himself, Mr. LOTT, Mr. NICKLES, Mr. MACK, Mr. CRAIG, Mr. COVERDELL, Mr. WARNER, Mr. HATCH, Ms. COLLINS, Mr. COCHRAN, Mr. BUNNING, Mr. ASHCROFT, Mr.

HELMS, Mr. GRASSLEY, Mr. ENZI, Mr. INHOFE, Mr. BOND, Mr. GORTON, Mr. FRIST, Mr. THURMOND, Mr. HAGEL, Mr. ALLARD, Mr. GRAMS, Mr. KYL, Mr. ROBERTS, Mr. SESSIONS, and Mr. SHELBY):

S. 337. A bill to preserve the balance of rights between employers, employees, and labor organizations which is fundamental to our system of collective bargaining while preserving the rights of workers to organize, or otherwise engage in concerted activities protected under the National Labor Relations Act; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CAMPBELL:

S. 338. A bill to provide for the collection of fees for the making of motion pictures, television productions, and sound tracks in units of the Department of the Interior, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MCCAIN (for himself and Mr. INOUYE):

S. 339. A bill to amend the Indian Gaming Regulatory Act, and for other purposes; to the Committee on Indian Affairs.

By Mr. ALLARD:

S. 340. A bill to amend the Cache La Poudre River Corridor Act to make technical corrections, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CRAIG:

S. 341. A bill to amend the Internal Revenue Code of 1986 to increase the amount allowable for qualified adoption expenses, to permanently extend the credit for adoption expenses, and to adjust the limitations on such credit for inflation, and for other purposes; to the Committee on Finance.

By Mr. FRIST (for himself, Mr. MCCAIN, and Mr. BURNS):

S. 342. A bill to authorize appropriations for the National Aeronautics and Space Administration for fiscal years 2000, 2001, and 2002, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BOND (for himself, Mr. BURNS, Ms. SNOWE, Mr. ENZI, Mr. COVERDELL, Mr. HAGEL, Mr. KYL, Mr. CRAIG, Mr. INHOFE, Mr. HELMS, Ms. COLLINS, Mr. SPECTER, Mr. JEFFORDS, Mr. ROBERTS, and Mr. HUTCHINSON):

S. 343. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for 100 percent of the health insurance costs of self-employed individuals; to the Committee on Finance.

By Mr. BOND (for himself, Mr. NICKLES, Ms. SNOWE, Mr. COVERDELL, Mr. BENNETT, and Mr. COCHRAN):

S. 344. A bill to amend the Internal Revenue Code of 1986 to provide a safe harbor for determining that certain individuals are not employees; to the Committee on Finance.

By Mr. ALLARD:

S. 345. A bill to amend the Animal Welfare Act to remove the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. HUTCHISON (for herself, Mr. GRAHAM, Mr. VOINOVICH, Mr. ABRAHAM, Mr. MCCONNELL, Mr. MCCAIN, Mr. LOTT, Mr. LEAHY, Mr. SMITH of Oregon, Mr. GORTON, Mrs. MURRAY, Mr. ALLARD, Mr. BURNS, Mr. FRIST, Mr. COCHRAN, Mr. CRAIG, Mr. BUNNING, Mr. KYL, Mr. LUGAR, Mr. INHOFE, Mr. HUTCHINSON, Mr. MACK, Mrs. LINCOLN, Mr. TORRICELLI, Mr. BAYH, Mr. MURKOWSKI, Mr. GRAMM, and Mr. THOMPSON):

S. 346. A bill to amend title XIX of the Social Security Act to prohibit the recoupment of funds recovered by States from one or more tobacco manufacturers; to the Committee on Finance.

By Mr. GRAMS:

S. 347. A bill to redesignate the Boundary Waters Canoe Area Wilderness, Minnesota, as the ''Hubert H. Humphrey Boundary Waters Canoe Area Wilderness''; to the Committee on Energy and Natural Resources.

By Ms. SNOWE (for herself, Mr. TORRICELLI, Mr. GORTON, and Mr. JEFFORDS):

S. 348. A bill to authorize and facilitate a program to enhance training, research and development, energy conservation and efficiency, and consumer education in the oilheat industry for the benefit of oilheat consumers and the public, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HAGEL (for himself and Mr. REED):

S. 349. A bill to allow depository institutions to offer negotiable order of withdrawal accounts to all businesses, to repeal the prohibition on the payment of interest on demand deposits, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. HUTCHISON (for herself, Mr. ALLARD, and Mr. HAGEL):

S. 350. A bill to amend title 10, United States Code, to improve the health care benefits under the TRICARE program and otherwise improve that program, and for other purposes; to the Committee on Armed Services.

By Mr. GRAMS (for himself, Mr. JOHNSON, Mr. SESSIONS, and Mr. BENNETT):

S. 351. A bill to provide that certain Federal property shall be made available to States for State and local organization use before being made available to other entities, and for other purposes; to the Committee on the Judiciary.

By Mr. THOMAS (for himself, Mr. NICKLES, Mr. CRAIG, Mr. HELMS, Mr. CRAPO, Mr. GRAMS, and Mr. ENZI):

S. 352. A bill to amend the National Environmental Policy Act of 1969 to require that Federal agencies consult with State agencies and county and local governments on environmental impact statements; to the Committee on Environment and Public Works.

By Mr. GRASSLEY (for himself, Mr. KOHL, and Mr. THURMOND):

S. 353. A bill to provide for class action reform, and for other purposes; to the Committee on the Judiciary.

By Mr. THOMAS (for himself, Mr. MCCAIN, Mr. KERRY, Mr. SMITH of Oregon, and Mr. ROBB):

S. 354. A bill to authorize the extension of nondiscriminatory trade status to the products of Mongolia; to the Committee on Foreign Relations.

By Mr. MOYNIHAN (for himself and Mr. BINGAMAN):

S. 355. A bill to amend title 13, United States Code, to eliminate the provision that prevents sampling from being used in determining the population for purposes of the apportionment of Representatives in Congress among the several States; to the Committee on Governmental Affairs.

By Mr. KYL (for himself and Mr. MCCAIN):

S. 356. A bill to authorize the Secretary of the Interior to convey certain works, facilities, and titles of the Gila Project, and designated lands within or adjacent to the Gila Project, to the Wellton-Mohawk Irrigation and Drainage District, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. GRAMS:

S. 357. A bill to amend the Federal Crop Insurance Act to establish a pilot program in certain States to provide improved crop insurance options for producers; to the Committee on Agriculture, Nutrition, and Forestry.

S. 358. A bill to freeze Federal discretionary spending at fiscal year 2000 levels, to extend the discretionary budget caps until the year 2010, and to require a two-thirds vote of the Senate to breach caps; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977 with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Mr. GRAMS (for himself and Mr. CRAPO):

S. 359. A bill to establish procedures to provide for a taxpayer protection lock-box and related downward adjustment of discretionary spending limits, to provide for additional deficit reduction with funds resulting from the stimulative effect of revenue reductions, and to provide for the retirement security of current and future retirees through reforms of the Old Age Survivor and Disability Insurance Act; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Mr. GRAMS:

S. 360. A bill to control emergency spending by limiting such spending to natural disasters; to the Committee on Governmental Affairs.

By Mr. ENZI (for himself and Mr. THOMAS):

S. 361. A bill to direct the Secretary of the Interior to transfer to John R. and Margaret J. Lowe of Big Horn County, Wyoming, certain land so as to correct an error in the patent issued to their predecessors in interest.

By Mr. LAUTENBERG (for himself and Mr. TORRICELLI):

S. 362. A bill to authorize appropriations for the Coastal Heritage Trail Route in New Jersey, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DOMENICI:

S. 363. A bill to establish a program for training residents of low-income rural areas for, and employing the residents in, new telecommunications industry jobs located in rural areas, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BOND (for himself, Mr. KERRY, and Mr. LIEBERMAN):

S. 364. A bill to improve certain loan programs of the Small Business Administration, and for other purposes; to the Committee on Small Business.

By Mr. GORTON (for himself and Mrs. MURRAY):

S. 365. A bill to amend title XIX of the Social Security Act to allow States to use the funds available under the State children's health insurance program for an enhanced matching rate for coverage of additional children under the medicaid program; to the Committee on Finance.

By Mr. COCHRAN (for himself, Mr. MOYNIHAN, and Mr. FRIST):

S.J. Res. 8. A joint resolution providing for the reappointment of Wesley S. Williams, Jr., as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on Rules and Administration.

S.J. Res. 9. A joint resolution providing for the reappointment of Dr. Hanna H. Gray as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on Rules and Administration.

S.J. Res. 10. A joint resolution providing for the reappointment of Barber B. Conable, Jr., as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on Rules and Administration.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. GRAMS:

S. Res. 31. A resolution commending Archbishop Desmond Tutu for being a recipient of the Immortal Chaplains Prize for Humanity; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEAHY (for himself, Mr. TORRICELLI, Mr. DEWINE, Mr. JEFFORDS, Mr. KENNEDY, Mr. HARKIN, Ms. MIKULSKI, Mr. LEVIN, Mr. KERRY, Mrs. MURRAY, Mrs. BOXER, and Mr. SARBANES):

S. 333. A bill to amend the Federal Agriculture Improvement and Reform Act of 1996 to improve the farmland protection program; to the Committee on Agriculture, Nutrition, and Forestry.

FEDERAL AGRICULTURE IMPROVEMENT AND REFORM ACT AMENDMENTS

Mr. LEAHY. Mr. President, I am pleased to have Senators TORRICELLI, DEWINE, JEFFORDS, KENNEDY, HARKIN, MIKULSKI, LEVIN, KERRY, MURRAY and BOXER join me today to reauthorize a program that has helped hundreds of farmers across the country save their farms and stay in the business of farming. Today, we are introducing a bill to reauthorize the Farmland Protection Program at a funding level of $55 million a year. This new authorization supports the efforts of President Clinton to restart the program with $50 million in Fiscal Year 2000.

Since its creation in the 1996 Farm Bill, the Farmland Protection Program has been instrumental in curbing the loss of some of our nation's most productive farmland to urban sprawl. The Farmland Protection Program help shield farmers from development pressures by providing federal matching grants to state and local conservation organizations to purchase easements on farms.

We have all seen the impact of urban sprawl in our home states, whether it be large, multi-tract housing or megamalls that bring national superstores and nation-sized parking lots. We are losing farmland across the country at an alarming rate. This bill will step up our efforts to halt this disturbing trend before too many of America's farms are permanently transformed into asphalt jungles.

In Vermont, we are also seeing the impact of development on our farmland. Increasing land prices and development pressure have forced too many Vermont farmers to sell to developers instead of passing on their farms to the next generation. With the former Farms for the Future program and the Farmland Protection Program, farmers now have a fighting chance against development. Since its inception in Vermont, these programs have helped conserve 78,000 acres of land on more than 220 Vermont farms.

The success of the program should not just be measured in acres though. The program also has helped farmers expand and re-invest in farm facilities and equipment. Some of the farm projects have also led to construction of affordable housing and preservation of wildlife habitat. There are now success stories all over Vermont. One is the story of Paul and Marian Connor of Bridport, Vermont. Working with the Vermont Land Trust they were able to conserve their 221-acre farm while continuing their dairy operation, raising seven children and retire their mortgage.

Although Vermont is making great progress, across the nation we continue to lose as much as one million acres of prime farmland annually. This land is critically important to agriculture. For example, nearly three-quarters of America's dairy products, fruits and vegetables are grown in counties affected by urban growth.

For American farmers and ranchers, farmland protection is an issue of the survival of both family farms and agricultural regions. When urban pressure pushes up the value of agricultural land above its agricultural value, it threatens the end of family farms because the next generation simply cannot afford to farm land valued at development prices. As some farmers sell their land for development, it places increasing pressure on their neighbors to sell as well.

The 1996 Farm Bill recognized this problem by directly providing $35 million for farmland protection matching funds that have leveraged million more from local and private programs. The Farmland Protection Program is a model of what new federal conservation programs ought to be, enjoying the unanimous support of the National Governors Association. It preserves the private property rights of farmers.

It offers the Congress a way to demonstrate a realistic and meaningful commitment to the conservation of America's natural heritage without expanding the role of the federal government, and it encourages local communities and states to contribute their own efforts. The program's overwhelming success though has led to increased demand for the program—applicants requested a federal match of more than $130 million.

Our bill will help address some of this demand and encourage more state governments, local communities and private groups to start new matching programs. This modest federal investment will maintain our commitment to the protection of our rural heritage and working landscape.

By Ms. COLLINS (for herself, Mr. COCHRAN, Mr. LEVIN, Mr. DURBIN, and Mr. BURNS):

S. 335. A bill to amend chapter 30 of title 39, United States Code, to provide for the nonmailability of certain deceptive matter relating to games of chance, administrative procedures, orders, and civil penalties relating to such matter, and for other purposes; to the Committee on Governmental Affairs.

DECEPTIVE MAIL PREVENTION AND ENFORCEMENT IMPROVEMENT ACT

Ms. COLLINS. Mr. President, today, during National Consumer Protection Week, I am introducing the Deceptive Mail Prevention and Enforcement Act, a comprehensive bill designed to stem the rising tide of deceptive mailings that are flooding the mailboxes of the people of Maine and people throughout the country.

I am very pleased to have the cosponsorship of a trio of distinguished Senators in this regard: Senator COCHRAN, the chairman of the subcommittee with legislative jurisdiction over these types of mailings, who has been a leader in the effort to curtail deceptive mailings and sweepstakes fraud; Senator LEVIN, who serves as the ranking minority member of the Permanent Subcommittee on Investigations, and who has played an active role not only in the hearings held last year, but also in introducing his own legislation on this issue, which I am pleased to cosponsor. He has a longstanding interest in curtailing deceptive mailings. I am also pleased to have the support of Senator DURBIN, with whom I have worked very closely on many consumer issues.

Mr. President, several months ago, prompted by complaints that I have received from my constituents in Maine, I initiated an investigation into sweepstakes fraud and deceptive mailings. Over the course of this investigation, I have seen countless examples of mailings that deceptively promise extravagant prizes in order to entice consumers to make unnecessary and unneeded purchases. Unfortunately, this calculated confusion works far too often. In one particularly egregious example, one deceptive mailing prompted some of its victims to fly to Florida, believing that they then would be the first to claim the grand prize promised in a major sweepstakes.

Deceptive mailings take many forms. One such form that I find particularly offensive is ''Government look-alike mailings,'' which appear deceptively like a mailing from a Federal agency or other official entity. An example of such a deceptive mailing was recently sent to me by a woman from Machiasport, ME. The postcard that she received was marked ''Urgent Delivery, a Special Notification of Cash Currently Being Held by the U.S. Government is ready for shipment to you.'' I have blown up a copy of the postcard she received so you can see just how deceptive this mailing was. On the back of the postcard, the consumer was asked to send $9.97 to learn how to receive this cash. Of course, this was not a legitimate mailing from the Federal

Government, but simply a ploy used by an unscrupulous individual to trick an unsuspecting consumer into sending money.

Mr. President, millions of Americans have received sweepstakes letters that use deceptive marketing ploys to encourage the purchase of magazines and other products. A common tactic is a ''promise'' of winning printed in large type, such as this example: ''You Were Declared One of Our Latest Sweepstakes Winners and You're About to be Paid $833,337 in Cash.'' A constituent of mine from Portland, ME, received this mailing, but, of course, he wasn't really a winner. It takes an awfully sharp eye and very careful scrutiny to notice the very fine print that states that the money is won only ''if you have and return the grand prize-winning number in time.''

Mr. President, thousands of consumers have made very frequent purchases, often of more than $1,000 a year, in response to deceptive sweepstakes mailings. I have heard sad stories from many people who have described personal horror stories caused by these deceptive mailings. Some people have told me of their elderly parents spending $10,000, $20,000, even as much as $60,000 in one case, hoping that their next purchase would result in a large prize. Senior citizens are particularly vulnerable, as they generally trust the statements made by these marketing appeals, particularly if they are pitched by celebrities, or if the mailing appears to be connected or in some way sanctioned by the Federal Government.

To increase consumer protections, and to punish those who use such deceptive mailings to prey on our senior citizens, the bill that I am introducing today, along with Senators COCHRAN, LEVIN and DURBIN, will attack sweepstakes fraud and deceptive mailings on four fronts.

First, the bill will prevent fraud and deception by requiring companies to be more honest with the American people when using sweepstakes and other promotional mailings. My legislation would establish new standards for sweepstakes, including clear disclosure. In addition, my legislation would strengthen the law against mailings that mimic Government documents. Mailings could not use any language or device that gives the appearance that the mailing is connected, approved, or endorsed by the Federal Government.

Second, this bill provides strong new financial penalties for sending mail that does not comply with these and existing standards. Civil penalties include fines ranging from $50,000 to $2 million would be allowed depending on the number of mailings sent.

Third, the bill strengthens Federal law enforcement efforts and makes them more effective by giving the U.S. Postal Inspection Service additional tools to combat these deceptive practices.

Fourth, my legislation would preserve the important role the States play in fighting this type of fraud and deception. Our bill would not preempt States and local laws protecting consumers from fraudulent and deceptive mailings.

Mr. President, hundreds of millions of these promotional materials are sent out each year to consumers across the country. By design, they are meant to confuse their recipients and to trick them into spending money needlessly under the false pretense that doing so will earn them huge rewards.

As the chairman of the Permanent Subcommittee on Investigations, I will shortly be holding hearings on this issue in the coming months to document the nature and extent of the problem and how these deceptive mailings affect Americans, particularly our senior citizens.

I look forward to working with my colleagues, particularly the subcommittee's ranking member, Senator LEVIN, who has been such a leader in this area. It is my hope that Congress will enact the Deceptive Mail Prevention and Enforcement Improvement Act to increase consumer protections, to improve law enforcement efforts, and to provide effective penalties for those who deceive American consumers.

Mr. President, I yield any remaining time to the Senator from Michigan, Senator LEVIN.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I thank my good friend from Maine for her leadership, her kind words, and for her bill, which I am proud to cosponsor. The bill I am introducing today, with her support and the support of Senator DURBIN, addresses the same kinds of practices. These two bills together, if adopted, would go a long way toward addressing the deceptive mailing practices that we see under the general heading of ''sweepstakes.''

The bill that I am introducing, with the cosponsorship of Senator COLLINS and Senator DURBIN, will help eliminate the deceptive practices in mailings that use games of chance, like sweepstakes, to induce consumers to purchase a product that they may not need and to play a game that they will not win.

I originally introduced this bill last year. It was not enacted. It was introduced late in the session. I am very hopeful that this bill and Senator COLLINS' bill will be enacted this year following the hearings that she has just described—important hearings which I commend our chairman of the subcommittee for scheduling, for initiating.

The bill that I am introducing—this part of the remedy for the current abuses—will stiffen the penalties for deceptive mailings, will give the Postal Service administrative subpoena power, will restrict the use of misleading language and symbols, and require better disclosure about chances of winning and statements that no purchase is necessary to win.

The elderly are easy prey for the gimmicks used in these kinds of contests, such as a large notice declaring the recipient a winner—oftentimes a ''guaranteed'' winner or one of two final competitors for a large cash prize—and these gimmicks have proliferated to the point that American consumers are being duped into purchasing products they don't want or need because they think they have won or will win a big prize if they do so. Complaints about these mailings are one of the top ten consumer complaints in the nation. I have received numerous complaints from my constituents in Michigan asking that something be done to provide relief from these very misleading mailings.

In early September 1998, we held a hearing in our Governmental Affairs Committee federal services subcommittee on the problem of deceptive sweepstakes and other mailings involving games of chance. We learned from three of our witnesses, the Florida Attorney General, the Michigan Assistant Attorney General and the Postal Inspection Service, that senior citizens are particular targets of these deceptive solicitations, because they are the most vulnerable. State Attorneys General have taken action against many of the companies that use deceptive mailings. The states have entered into agreements to stop the most egregious practices, but the agreements apply only to the states that enter into the agreements. This allows companies to continue their deceptive practices in other states. That's one reason why federal legislation in this area is needed. The bill I'm introducing today will help eliminate deceptive practices by prohibiting misleading statements, requiring more disclosure, imposing a $10,000 civil penalty for each deceptive mailing, and providing the Postal Service with additional tools to pursue deceptive and fraudulent offenders.

Sweepstakes solicitations are put together by teams of clever marketers who package their sweepstakes offers in such a way so as to get people to purchase a product by implying that the chances of winning are enhanced if the product being offered is purchased.

That is not allowed. You cannot require that a purchase be made in order to win a prize. But these deceptive practices are such and they are so finely honed that, no matter what the fine print says about no purchase being necessary, the recipient of the mailing often is led to believe, by the nature of the mailing, that a purchase indeed will enhance the opportunity to win the prize. Senator COLLINS addresses the sum of those issues in her bill.

Rules and important disclaimers are written in fine print and hidden away in obscure sections of the solicitation or on the back of the envelope that is frequently tossed away. Even when one can find and read the rules, it frequently takes a law degree to understand them.

The bill I am introducing will help to protect consumers from deceptive practices by directing the Postal Service to develop and issue regulations that restrict the use of misleading language and symbols in direct mail game of chance solicitations, including sweepstakes. The bill also requires additional disclosure about chances of winning and the statement that no purchase is necessary. Any mail that is designated by the Postal Service as being deceptive will not be delivered. This will significantly reduce the deceptive practices being used in the direct mail industry to dupe unsuspecting consumers into thinking they are grand prize winners. The direct mail industry also would benefit, in that the adverse publicity recently aimed at the industry because of ''You Have Won a Prize'' campaigns has maligned the industry as a whole. Cleaning up deceptive advertising could improve the industry's image.

For those entities that continue to use deceptive mailings, my bill imposes a civil penalty of $10,000 for each piece of mail that violates Postal Service regulations. Currently the Postal Service can impose a fine for noncompliance with a Postal Service order. My bill imposes a fine whether or not the order actually has been issued. This has the effect of applying the penalty to the deceptive offense, not for noncompliance with the order.

My bill also allows the Postal Service to quickly respond to changes in deceptive marketing practices by giving the Postal Service the authority to draft regulations that will be effective against the ''scheme du jour.'' A deceptive practice used today, may not be used tomorrow. As soon as the Post Office learns about one scheme, it changes. If legislation is passed that requires a specific notice, it can take just a short time before another deceptive practice pops up to by-pass the legislation. My bill gives the Postal Service the authority to evaluate what regulatory changes will be required to keep pace with the ever changing deceptive practices. This will help weed out deceptive practices in a timely manner.

The bill also gives the Postal Service administrative subpoena power to respond more quickly to deceptive and fraudulent mail schemes. Currently the Postal Service must go through a lengthy administrative procedure before it can get evidence to shut down illegal operations. Currently the $10,000 fine—and civil penalty which exists—can only be imposed for noncompliance with a Postal Service order. There has to be an order issued which is violated before there can even be a civil fine. Our bill would impose a fine for violating the law, a penalty for perpetrating the deceptive offense or practice, and it would not require that there be an order previously entered. By the time the Postal Service gets through all the administrative hoops, the sweepstakes promoter may have folded up operations and disappeared, or has destroyed all the evidence. By granting the Postal Service limited subpoena authority to obtain relevant material records for an investigation, the Postal Service will be able to act more efficiently against illegal activities. Subpoena authority will make the Postal Service more effective and efficient in its pursuit of justice.

The Deceptive Sweepstakes Mailings Elimination Act of 1999 takes a tough approach to dealing with sweepstakes solicitations and other games of chance offerings that are sent through the mail. If you use sweepstakes or a game of chance to promote the sale of a legitimate product, provide adequate disclosure, and abide with Postal Service regulations, then the Postal Service will deliver that solicitation. If deceptive practices are used in a sweepstakes or a game of chance solicitation, the Postal Service will be able to stop the solicitation and impose a significant penalty.

So we are going to take a tough approach, both through Senator COLLINS' bill which I have cosponsored, through my bill which she has cosponsored, along with others, and this tough approach that is absolutely essential if we are going to protect seniors and others from the kind of deceptive practices which cost them so much money by encouraging them, through these practices, to buy items that they really do not want in order to win prizes that truly are unlikely or impossible to win.

By Mr. LEVIN (for himself, Mr. DURBIN and Mr. COLLINS):

S. 336. A bill to curb deceptive and misleading games of chance mailings, to provide Federal agencies with additional investigative tools to police such mailings, to establish additional penalties for such mailings, and for other purposes; to the Committee on Governmental Affairs.

DECEPTIVE GAMES OF CHANCE MAILINGS ELIMINATION ACT OF 1999

Mr. DURBIN. Mr. President, I am pleased to join my distinguished colleagues, Senators LEVIN and COLLINS, today in introducing the Deceptive Games of Chance Mailing Elimination Act of 1999.

It's rare that any American household has escaped receipt of a flurry of envelopes boldly proclaiming ''You're our next million-dollar winner!'' or similar claim of impending good fortune. Most of us recognize these prominent lines as the special language of direct mail sweepstakes. While many companies have used sweepstakes responsibly, others have bilked consumers out of millions of dollars by falsely suggesting a purchase is necessary to qualify for the sweepstakes or to increase the odds of winning a prize. Some of these operators promise fame and fortune, but they deliver fraud and false promises.

As Senator LEVIN has outlined, this bill sharpens the teeth of the current postal statutes by directing the Postal Service to develop and issue rules that restrict the use of misleading language and symbols on direct mail games of chance such as sweepstakes that mislead the recipient into believing they've already won or will win a prize. This rulemaking authority will allow the Postal Service to respond more rapidly to emerging deceptive practices. The bill also requires that additional disclosures be given to recipients of mailed solicitations involving sweepstakes giveaways about their chances of winning and that no purchase is necessary to enter the contest. Furthermore, the bill gives the Postal Service administrative subpoena power so it can react and respond more rapidly to deceptive and fraudulent mail schemes. Under our bill, civil fines can be imposed upon the issuance of an enforcement order, or alternatively, in lieu of an enforcement order, rather than awaiting a violation of that order.

By giving the Postal Service these additional tools and authority, this legislation will help combat the growing problem of consumer fraud in the form of deceptive or misleading mailings that use games of chance or sweepstakes contests to solicit the purchase of a product. Other deceptions have included packaging sweepstakes solicitations to closely resemble government documents and promising recipients that they have already won, even though the fine print reveals minuscule odds of winning.

The elderly are particularly vulnerable to sweepstakes fraud. Some senior citizen sweepstakes recipients have traveled thousands of miles to claim prizes they thought they had been assured of winning. Others spend thousands of dollars on magazines and other merchandise because they are convinced it will boost their chances of winning.

Like Senators LEVIN and COLLINS, I have heard from numerous constituents about how some crafty purveyors prey on the public, often persons on fixed or limited incomes, through these deceptive envelopes and packaging techniques. Recently, one constituent related how her elderly mother has become ''hooked'' on sweepstakes. She shared with me a bulky stack of envelopes, representing just a sample of the mailings. She remarked how her mother is convinced that the company will think better of her if she orders lots of merchandise, and that buying more products will accord her special consideration and improve her chances to win a lucrative prize. She noted that some companies, by using clever typefaces, sophisticated and official-looking symbols, gimmicky labels, and personalization, lead people to believe the company is writing to them personally, and that the odds of winning are high. Her story is but one example of what we have heard, and why it is so important to ensure that strong laws are enacted to address deceptive practices.

I am pleased that the United States Postal Inspector, the National Fraud

Information Center, the Direct Marketing Association, the American Association of Retired Persons, and a special committee of the Association of Attorneys General are among those who are actively seeking ways to ensure that consumers are informed and protected from dishonest marketing ploys.

I look forward to the hearings planned by Senator COLLINS in the Permanent Subcommittee on Investigations to examine the problem of deceptive mailings and legislative solutions. I urge my colleagues to join me in supporting enactment of legislation to promote more honesty by product marketers, clearer disclosure for consumers, tighter penalties for violators, and quicker and more effective enforcement tools for more rapid response to unscrupulous practices.

By Mr. HUTCHINSON (for himself, Mr. LOTT, Mr. NICKLES, Mr. MACK, Mr. CRAIG, Mr. COVERDELL, Mr. WARNER, Mr. HATCH, Ms. COLLINS, Mr. COCHRAN, Mr. BUNNING, Mr. ASHCROFT, Mr. HELMS. Mr. GRASSLEY, Mr. ENZI, Mr. INHOFE, Mr. BOND, Mr. GORTON, Mr. FRIST, Mr. THURMOND, Mr. HAGEL, Mr. ALLARD, Mr. GRAMS, Mr. KYL, Mr. ROBERTS, Mr. SESSIONS, and Mr. SHELBY):

S. 337. A bill to preserve the balance of rights between employers, employees, and labor organizations which is fundamental to our system of collective bargaining while preserving the rights of workers to organize, or otherwise engage in concerted activities protected under the National Labor Relations Act; to the Committee on Health, Education, Labor, and Pensions.

TRUTH IN EMPLOYMENT ACT OF 1999

Mr. HUTCHINSON. Mr. President, I am honored to have the opportunity to introduce today an important piece of legislation which will provide thousands of businesses in my home state of Arkansas and across the nation with a defense against an unscrupulous practice which is literally crippling them. The Truth in Employment will protect these businesses and curtail the destructive abuse of the union tactic known as salting.

''Salting abuse'' is the calculated practice of placing trained union professional organizers and agents in the non-union workplace whose sole purpose is to harass or disrupt company operation, apply economic pressure, increase operating and legal costs, and ultimately put a company out of business. The objectives of these union agents are accomplished through filing frivolous and unfair labor practice complaints or discrimination charges against the employer with the National Labor Relations Board (NLRB), the Occupational Safety and Health Administration (OSHA), and the Equal Employment Opportunity Commission (EEOC). Salting campaigns have been used successfully to cause economic harm to construction companies and are quickly expanding into other industries across the country. It can cost employers anywhere from $5,000 to hundreds of thousands of dollars to defend him or herself against this practice.

Salting is not merely a union organizing tool. It has become an instrument of economic destruction aimed at non-union companies. Union send their agents into non-union workplaces under the guise of seeking employment. Hiding behind the shield of the National Labor Relations Act, these ''salts'' use its provisions offensively to bring hardship on their employers. They deliberately increase the operating costs of their employers through actions such as sabotage and frivolous discrimination complaints.

In the 1995 Town & Country decision, the U.S. Supreme Court held that paid union organizers are ''employees'' within the meaning of the National Labor Relations Act. Because of their broad interpretation of this Act, employers who refuse to hire paid union employees or their agents violate the Act if they are shown to have discriminated against the union salts.

This leaves employers in a precarious position. If employers refuse to hire union salts, they will file frivolous charges and accuse the employer of discrimination. Yet, if salts are employed, they will create internal disruption through a pattern of dissension and harassment. They are not there to work—only to disrupt. In a classic example of salting abuse, John Gaylor of Gaylor Electric had to fire one employee after this refusal to wear his hard hat on his head. This employee would strap the hard hat to his knee and then dare Gaylor to fire him because he said the employee manual stated only that he had to wear the hard hat, it didn't state where he had to wear it.

As a result of the salting abuse, whenever many small businesses make hiring decisions, the future of the company, and its very existence, may be at stake. A wrong decision can mean frivolous charges, legal fees, and lost time, which may threaten the very existence of their business.

I have received many accounts from across the nation of how salting abuse is affecting small businesses. The following examples were received as testimony in Congressional hearings. In my home state of Arkansas, Little Rock Electrical Contractors, Inc. incurred in excess of $80,000 in legal fees over the course of one year to fight 72 unfair labor practice charges, of which 20 were dismissed, 45 were set for trial, and 7 were appealed. In Cape Elizabeth, Maine, over a period of four years, Bay Electric incurred $100,000 in legal fees plus lost time to defend itself against 14 unfair labor practices, all of which were dismissed. In Delano, Minnesota, Wright Electric incurred $150,000 in legal fees and lost between $200,000 and $300,000 in lost time to win the dismissal of 14 of 15 unfair labor practices charges. And, in Clearfield, Pennsylvania, R.D. Goss incurred $75,000 battling approximately 20 unfair labor practices; while all but one of the charges were dismissed, the company was forced to close its doors after doing business for thirty-eight years. Finally, in Union, Missouri, it cost the Companies $150,000 to win the dismissal of 47 unfair labor practices charges and to achieve one settlement for $200.

Another common salting abuse is for salts to actually create Occupational Safety and Health Administration (OSHA) violations and then report those violations to OSHA. When the employer terminates these individuals, they file frivolous unfair labor practices against the employer. This results in wasted time and money, as well as bad publicity for the company.

These are just a few of the many examples of how devastating salting abuse can be to small businesses. What makes this practice even more appalling is how organized labor openly advocates its use. According to the group, the ''Coalition For Fairness For Small Businesses And Employees,'' the labor unions are even advocating this practice in their manuals.

The Union Organizing Manual of the International Brotherhood of Electrical Workers explains why salts are used. Their purpose is to gather information that will ''. . . shape the strategy the organizer will use later in the campaign to threaten or actually apply the economic pressure necessary to cause the employer to . . . raise his prices to recoup additional costs, scale back his business, leave the union's jurisdiction, go out of business, and so on. . .''

Thomas J. Cook, a former ''salt,'' explained the ultimate goal of salting abuse. Mr. Cook said, ''Salting has become a method to stifle competition in the marketplace, steal away employees, and to inflict financial harm on the competition.'' Mr. Cook concluded by stating that ''[i]n a country where free enterprise and independence is so highly valued, I find these activities nothing more than legalized extortion.''

The balance of rights must be restored between employers, employees and labor organizations. The Truth in Employment Act seeks to do this by inserting a provision in the National Labor Relations Act establishing that an employer is not required to employ any person who is not a bona fide employee applicant, in that such person is seeking employment for the primary purpose of furthering interests unrelated to those of that employer. Furthermore, this legislation will continue to allow employees to organize and engage in activities designed to be protected by the National Labor Relations Act.

This measure is not intended to undermine those legitimate rights or protections. Employers will gain no ability to discriminate against union membership or activities. This bill only seeks to stop the destructive results of

salting abuse. Salting abuse must be curtailed if we are to protect the small business owners and employees of this nation. This legislation will insure these protections are possible.

It is for these reasons that I am introducing the Truth in Employment Act. I ask that my colleagues support this bill and restore fairness to the American workplace.

By Mr. CAMPBELL:

S. 338. A bill to provide for the collection of fees for the making of motion pictures, television productions, and sound tracks in units of the Department of the Interior, and for other purposes; to the Committee on Energy and Natural Resources.

NATIONAL PARK SERVICE COMMERCIAL FILMING PERMIT FEE ACT OF 1999

Mr. CAMPBELL. Mr. President, today I introduce the National Park Service Commercial Filming Permit Fee Act of 1999. This bill gives the National Park Service (NPS) and the National Wildlife Refuge System (NWRS) the authority to require fee-based permits for the use of Park Service and National Wildlife Reserve lands in the production of motion pictures, television programs, advertisements or other similar commercial purposes. This bill is based on legislation which I introduced in the 105th Congress, S. 1614.

Our National Parks are among our nation's most valuable resources. The National Park Service Commercial Filming Permit Fee Act of 1999 would help us to protect them and ensure that future generations will be able to enjoy their beauty by making sure the parks are reimbursed for their commercial use.

The Bureau of Land Management and the Forest Service already have a similar permit and fee system for commercial filming on public lands. It doesn't make sense that our National Parks, which have been deemed to be even more precious by their designation, should be used commercially for free. This is especially important now when taxpayers are facing increased fees to enter the national parks and more people are enjoying our natural wonders every year in record numbers.

My bill allows the National Park Service to collect a fair return fee when the American peoples' parks are used in these commercial media ventures and then devotes those fees to the preservation of our National Parks. Common sense directs us to do this, and I believe this bill is fair for the commercial users of our National Parks, and more importantly, for the American taxpayers.

This bill builds upon progress made through hearings, conferences, and other valuable input received during the 105th Congress. The revised legislative language reflects input from the administration, industry groups—including the Motion Picture Association of America—and public interest groups such as the National Parks and Conservation Association. This bill is similar to legislation that my friend and colleague from Colorado, Congressman HEFLEY, introduced in the 105th and reintroduced in the 106th Congress as H.R. 154.

Mr. President, I have letters from two key interested associations in support of my bill's goals. I ask unanimous consent that these letters of support from the Motion Picture Association of America and the National Parks and Conservation Association and my bill be printed in the RECORD. I urge my colleagues to support passage of this bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 338

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. USE OF LAND; FEE AUTHORITY.

(a) AUTHORITY.—

(1) IN GENERAL.—The Secretary of the Interior (referred to in this Act as the ''Secretary'') may permit the use of land and facilities in units administered by the Secretary for—

(A) motion picture production;

(B) television production;

(C) soundtrack production;

(D) the production of an advertisement using a prop or a model; or

(E) any similar commercial project.

(2) EXCEPTION.—The Secretary shall not permit a use of land or a facility described in paragraph (1) if the Secretary determines that a proposed use—

(A) is not appropriate; or

(B) will impair the value or resources of the land or facility.

(3) BONDING AND INSURANCE.—The Secretary may require a bond, insurance, or such other means as is necessary to protect the interests of the United States in connection with an activity conducted under a permit issued under this Act.

(b) FEES.—

(1) IN GENERAL.—For any use of land or a facility in a unit described in subsection (a), the Secretary shall assess—

(A) a reimbursement fee; and

(B) a special use fee.

(2) REIMBURSEMENT FEE.—

(A) IN GENERAL.—The Secretary shall require the payment of a reimbursement fee in an amount that is not less than the amount of any direct and indirect costs to the Government incurred—

(i) in processing the application for a permit for a use of land or facilities; and

(ii) as a result of the use of land and facilities under the permit, including any necessary costs of cleanup and restoration.

(B) FUNDS COLLECTED.—An amount equal to the amount of a reimbursement fee collected under this subparagraph shall—

(i) be retained by the Secretary; and

(ii) be available for use by the Secretary, without further Act of appropriation, in the unit in which the reimbursement fee is collected.

(3) SPECIAL USE FEE.—

(A) FACTORS IN DETERMINING SPECIAL USE FEE.—To determine the amount of a special use fee, the Secretary shall establish a schedule of rates sufficient to provide a fair return to the Government, based on factors such as—

(i) the number of people on site under a permit;

(ii) the duration of activities under a permit;

(iii) the conduct of activities under a permit in any area designated by a statute or regulation as a special use area, including a wilderness or research natural area;

(iv) the amount of equipment on site under a permit; and

(v) any disruption of normal park function or accessibility, including temporary closure of land or a facility to the public.

(B) FUNDS COLLECTED.—A special use fee under this subparagraph shall be distributed as follows:

(i) 80 percent shall be deposited in a special account in the Treasury, and shall be available, without further Act of appropriation, for use by the supervisors of units where the fee was collected.

(ii) 20 percent shall be deposited in a special account in the Treasury, and shall be available, without further Act of appropriation, for use by supervisors of units in the region where the fee was collected.

(4) EXCEPTIONS.—

(A) FEE WAIVER OR REDUCTION.—The Secretary may waive a special use fee or charge a reduced special use fee if the activity for which the fee is charged provides clear educational or interpretive benefits for the Department of the Interior or the public.

(B) REGULAR VISITOR ENTRANCE FEE.—Nothing in this subsection affects the requirement that, in addition to fees under in subparagraph (A), each individual entering a unit for purposes described in subsection (a) shall pay any regular visitor entrance fee charged to visitors to the unit.

(c) REGULATIONS.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall promulgate regulations that establish a schedule of rates for fees collected under subsection (b) based on factors listed in subsection (b)(2)(C)(ii).

(2) REVIEW OF REGULATIONS.—

(A) INITIAL REVIEW.—Not later than 3 years after the date of enactment of this Act, the Secretary shall review and, as appropriate, revise the regulations promulgated under this subsection.

(B) CONTINUING REVIEW.—After the date of promulgation of regulations under subparagraph (A), the Secretary shall periodically review the regulations and make necessary revisions.

(d) APPLICABILITY OF REGULATIONS.—

(1) PROHIBITION ON CERTAIN FEES.—The prohibition on fees set forth in section 5.1(b)(1) of title 43, Code of Federal Regulations, shall cease to apply beginning on the effective date of regulations promulgated under this Act.

(2) EFFECT ON OTHER REGULATIONS.—Nothing in this Act, other than paragraph (1), affects the regulations set forth in part 5 of title 43, Code of Federal Regulations.

(e) CIVIL PENALTY.—

(1) IN GENERAL.—A person that violates any regulation promulgated under this Act, or conducts or attempts to conduct an activity under subsection (a)(1) without obtaining a permit or paying a fee, shall be assessed a civil penalty—

(A) for the first violation, in the amount that is equal to twice the amount of the fees charged (or fees that would have been charged) under subsection (b)(2);

(B) for the second violation, in the amount that is equal to 5 times the amount of the fees charged (or fees that would have been charged) under subsection (b)(2); and

(C) for the third and each subsequent violation, in the amount that is equal to 10 times the amount of the fees charged (or fees that would have been charged) under subsection (b)(2).

(2) COSTS.—A person that violates this Act or any regulation promulgated under this Act shall be required to pay all costs of any

proceedings instituted to enforce this subsection.

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), this Act and the regulations promulgated under this Act take effect 180 days after the date of enactment of this Act.

(2) EXCEPTION.—This subsection and the authority of the Secretary to promulgate regulations under subsection (c) take effect on the date of enactment of this Act.

MOTION PICTURE ASSOCIATION
OF AMERICA, INC.,
Washington, DC, February 2, 1999.

Hon. BEN NIGHTHORSE CAMPBELL,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR BEN: I am writing to you today about your legislation dealing with the filming of motion pictures in national park and public lands. I would like to lend my support for the aim of this bill and pledge to work with you on some areas of concern to our industry.

Right now, the National Parks Service cannot charge fees for filming. Although the parks can be reimbursed for costs of filming, these reimbursements do not provide real financial support to the parks. As a result, park administrators can become indifferent to filming, or even hostile because their efforts to promote movie making in the park don't produce for them any direct return.

Your legislation provides a reasonable solution by setting forth a fee schedule that is predictable. We think the fee schedule approach is an improvement over the ''fair market value'' approach from previous legislation. The fee schedule provides a more simple, clear and predictable way of collecting fees. Furthermore, we urge you to limit the factors as much as possible to the number of people in the crew and the number of days in the shoot.

As the bill moves through the legislative process, we hope to work with you further. A particular area of concern is the provision related to regular visitor entrance fees.

All in all, I applaud your efforts. I know that you, Senator are one who particularly appreciates the treasure of our national park system and public lands. I am pleased that the American movie, exhibited in over 150 countries, advertises to the world the unduplicatable beauties of our national parks, irreplaceable treasures which belong to the American citizenry.

I look forward to working with you and your staff.

With great affection,

JACK VALENTI.

NATIONAL PARKS
AND CONSERVATION ASSOCIATION,
Washington, DC, February 2, 1999.

Hon. BEN NIGHTHORSE CAMPBELL,
U.S. Senate, Washington, DC.

DEAR SENATOR CAMPBELL: The National Parks and Conservation Association appreciates your efforts to close the ''equity gap'' between visitors to the National Park System and those in Hollywood and on Madison Avenue who have profited from their commercial use of the national parks.

For the past five decades, the National Park Service has been prohibited from collecting anything but a nominal permitting fee and a modest amount of cost recovery (associated with monitoring filming activity and any necessary site remediation) from those who undertake commercial filming projects in our national parks. Yet, the individuals and institutions using the parks as a backdrop for their films, commercials, television programs, etc. have profited handsomely.

It is grossly unfair to allow a few businesses to profit from the parks while the visiting public is being asked to pay more in entrance and use fees, and while the parks suffer from a significant and ongoing budgetary shortfall.

We are optimistic that your legislation will help generate the debate necessary to result in the remedying of this inequity. Thank you for taking this first and positive step towards solving this problem.

Sincerely,

WILLIAM J. CHANDLER,
Vice President for Conservation Policy.

By Mr. MCCAIN (for himself and Mr. INOUYE):

S. 339. A bill to amend the Indian Gaming Regulatory Act, and for other purposes; to the Committee on Indian Affairs.

INDIAN GAMING REGULATORY ACT AMENDMENTS OF 1999

Mr. MCCAIN. Mr. President, I rise today, along with my distinguished colleague, Senator INOUYE, to propose the Indian Gaming Regulatory Act Amendments of 1999. The good Senator and I have sponsored this bill for the past four years because of our continuing belief that we must strengthen the Indian gaming law and protect the authority of tribal governments to engage in gaming activities.

Senator INOUYE and I have sat through hundreds of hours of discussions with Indian tribes, the States and interested parties over the expansion of Indian gaming. While the interest grows stronger in amending IGRA, a proposal has not been endorsed by either the Tribes or the States. Our intention in forwarding this bill is to once again set forth a balanced and fair discussion over necessary changes to the Indian gaming law.

The bill we are introducing today will provide for minimum federal standards in the regulation and licensing of class II and III gaming as well as all of the contractors, suppliers, and industries associated with such gaming. This will be accomplished through the Federal Indian Gaming Regulatory Commission which will be funded through assessments on Indian gaming revenues and fees imposed on license applicants.

In addition, this bill is consistent with the 1987 decision of the U.S. Supreme Court in the case of California v. Cabazon Band of Mission Indians in that it neither expands or further restricts the scope of Indian gaming. The laws of each State would continue to be the basis for determining what gaming activities may be available to an Indian tribe located in that State.

Under the Indian Gaming Regulatory Act of 1988, Indian tribes are required to expend the profits from gaming activities to fund tribal government operations or programs and to promote tribal economic development. Profits may only be distributed directly to the members of an Indian tribe under a plan which has been approved by the Secretary of Interior. Virtually all of the proceeds from Indian gaming activities are used to fund the social welfare, education, and health needs of the Indian tribes. Schools, health facilities, roads, and other vital infrastructure are being built by the Indian tribes with the proceeds from Indian gaming.

In the years before the enactment of the Indian Gaming Regulatory Act and in the years since its enactment, we have heard concerns about the possibility for organized criminal elements to penetrate Indian gaming. I believe the Act provides for a very substantial regulatory role and law enforcement role by the States and Indian tribes in class III gaming and by the Federal government in Class II gaming. The record clearly shows that in the few instances of known criminal activity in class III gaming, the Indian tribes have discovered the activity and have sought Federal assistance in law enforcement.

Indian gaming will continue to be scrutinized because of its increasing prominence in our nation's economy and political spectrum. I believe that any proposal to amend the Indian gaming law should respect both the rights of the Indian tribes and the States, while recognizing the benefits of well-regulated gaming to both Indian and non-Indian communities. I look forward to working with my colleagues and all affected entities on a continuing dialogue to protect the integrity of Indian gaming.

I ask unanimous consent that a section-by-section analysis be printed in the RECORD.

There being no objection, the item was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS

Sections 1–3 set forth the title, findings and purpose of the Act.

Section 4 amends the Indian Gaming Regulatory Act to revise definitions.

Section 5 establishes (in lieu of the National Indian Gaming Commission) the Federal Indian Gaming Regulatory Commission as an independent U.S. agency. It directs the Commission to establish minimum Federal standards for background investigations, internal control systems, and licensing. The Commission is granted investigatory authority.

Section 6 sets forth the powers of the Chairperson of the Federal Indian Gaming Regulatory Commission.

Section 7 sets forth the powers and authority of the Commission.

Section 8 sets forth the regulatory framework for class II and III gaming.

Section 9 directs the President to establish the Advisory Committee on Minimum Regulatory Requirements and Licensing Standards.

Sections 10, 11, 12, 13 and 14 set forth requirements for: (1) licensing; (2) conduct of class I, II, and III gaming on Indian lands; and (3) contract review.

Sections 15 and 16 set forth civil penalty and judicial review provisions.

Sections 17 and 18 fund the Commission from authorized appropriations and class II and III gaming fees.

Section 19 applies specified tax withholding and bank reporting requirements to Indian gaming operations. Requires the Commission to make certain law enforcement information available to State and tribal authorities.

By Mr. ALLARD:

S. 340. A bill to amend the Cache La Poudre River Corridor Act to make technical corrections, and for other purposes; to the Committee on Energy and Natural Resources.

TECHNICAL CORRECTIONS TO THE CACHE LA POUDRE RIVER CORRIDOR ACT

Mr. ALLARD. Mr. President, today I am introducing a bill to amend the Cache La Poudre River Corridor Act to make technical corrections.

This Act became Public Law on October 19, 1996 thanks to the diligence and hard work of Senator Brown, my predecessor. The purpose of this Act is to designate the Cache La Poudre Corridor with the Cache La Poudre River Basin. The Poudre Corridor provides an educational and inspirational benefit to both present and future generations, as well as unique and significant contributions to our national heritage of cultural and historical lands, waterways, and structures within the Corridor.

It is important that the following technical corrections be made to ensure that this act is interpreted and implemented correctly.

By Mr. FRIST (for himself, Mr. MCCAIN, and Mr. BURNS):

S. 342. A bill to authorize appropriations for the National Aeronautics and Space Administration for fiscal years 2000, 2001, and 2002, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT FOR FY 2000, 2001, AND 2002

Mr. FRIST. Mr. President, I rise to introduce the authorization bill for the National Aeronautics and Space Administration for fiscal years 2000, 2001, and 2002.

NASA's unique mission of exploration, discovery, and innovation has preserved America's role as both a world leader in aviation and the preeminent spacefaring nation. It is NASA's mission to:

Explore, use, and enable the development of space for human enterprise;

Advance scientific knowledge and understanding of the Earth, the Solar System, and the Universe and utilize the environment of space for research; and

Research, develop, verify and transfer advanced aeronautics, space and related technologies.

This bill is essentially the same as reported by the Commerce Committee last year. It contains provisions that had bi-partisan support and would have been included in a manager's amendment had the bill been brought up for discussion on the Senate floor.

The bill, which authorizes $13.4 billion for NASA in FY 2000, $13.8 billion for FY 2001, and $13.9 billion for FY 2002, provides for the continued development of the International Space Station, Space Shuttle operations and safety and performance upgrades, space science, life and micro gravity sciences and applications, the Earth Science program, aeronautics and space transportation technology, mission communications, academic programs, mission support and the Office of the Inspector General.

The FY 2000 levels are consistent with the President's request with the exception of a reduction of $200 million for the International Space Station account. This reduction eliminates the funding requested for the Russian Program Assurance activities. I feel that it is only appropriate to withhold judgement on providing additional funding to assist Russia with their financial problems until NASA provides additional explanation on how these funds will be used. The situation in Russia is changing daily and we must fully understand the impact on the Station schedule and overall cost before committing more funds.

The FY 2001 and FY 2002 levels represent a 3 percent increase over the previous year's amount with the exception of the Space Station. The Space Station has been authorized in accordance with NASA outyear projections for FY 2001 and FY 2002.

The bill contains a price cap on the development costs of the International Space Station. The price cap language provides NASA with additional funding Space Station development and allows for additional Space Shuttle flights by exempting certain activities at the point when research, operating and crew return vehicles activities' costs comprise more than 95 percent of the annual funding for the Station. At this point, the majority of the activities are truly beyond the development phase of the project.

The bill provides for liability cross-waivers for the Space Station. The provision authorizes, but does not require NASA to enter into agreements with any cooperating party participating in the Space Station program, whereby all involved parties agree to take the risk of damage to their own assets, and agrees not to sue other entities. These cross waivers would not apply in the case of sabotage or other deliberate and willful acts.

NASA has indicated that these liability cross-waivers will be needed to fully commercialize the Space Station. I support the commercialization of the Station as a means of achieving a return on investment for the public through the creation of new industries and jobs for the Nation.

I am concerned with the cost and schedule delays in other programs as well. The X–33 test vehicle and the Advanced X-ray Astrophysics Facility programs represents major investments of public funds and therefore should be managed such that program requirements are met in a timely manner.

The balance between manned and unmanned flight, as well as the balance between fundamental science and development activities, is in need of review. I intend to pursue these balances further when the Commerce Committee holds hearings on the NASA budget and associated activities in the upcoming weeks.

Therefore, I, along with my co-sponsors, urge the Members of this body to support this bill and allow NASA to continue its mission of support for all space flight, for technological progress in aeronautics, and for space science.

Mr. MCCAIN. Mr. President, I rise today as a cosponsor of the National Aeronautics and Space Administration (NASA) authorization bill for fiscal years 2000, 2001, and 2002. As Chairman of the Committee on Commerce, Science, and Transportation, I am able to work closely with NASA and to review the agency's achievements on a continual basis. I am proud of NASA's accomplishments and want to applaud its sustained dominance throughout the world as the premier leader in basic aeronautics and space research.

Yet leadership has a price. All one has to do is open the newspaper to learn about NASA's endless difficulties with the International Space Station, the agency's most comprehensive and complex endeavor to date.

This one-of-a-kind research facility bears a lifetime price tag of approximately $100 billion dollars to the American taxpayers. Although this program is a long-term investment which will bring discoveries unimaginable to scientists today, it is our duty to protect the American people from the repeated inconsistent performance of the participating foreign partners, prime contractor, and program managers.

During the 105th Congress, I offered an important amendment to this legislation that would impose a price cap on the development costs of the International Space Station. The language would ensure maximum program flexibility by providing NASA additional funding for Space Shuttle flights to service the Station, and by exempting specific activities when development costs are 5 percent or less of the Station's annual budget. I will again personally encourage my Congressional colleagues to enact a cost-cap measure this year to impose some semblance of fiscal restraint, however, it is up to NASA to prove that it is a responsible steward of public resources.

The recent political and economic uncertainty in Russia has only exacerbated the development delay of the Russian components. Congress must pledge to work with NASA to bring further accountability to the Space Station if the United States is going to continue its leadership, both financially and managerially.

NASA is not, and should not become a one mission agency. Congress must ensure that the Space Station does not impede progress on NASA's other important programs such as the Reusable Launch Vehicle, commonly referred to as the RLV.

During the past year Congress has expressed its grave concerns about the alleged illegal transfers of U.S. missile technology to China and other nondemocratic nations. Yet, neither the

transferring of licensing control from the Commerce Department back to State, nor an embargo on foreign launches will solve the underlying issues which result in American companies choosing foreign launch sites. Additional work is needed to substantially change the current environment for the domestic commercial launch industry.

What the community needs is cheaper access to space including less expensive vehicles, launching costs, and insurance. The X–33, a joint venture between NASA and private industry, and X–34 programs are examples of promising flight demonstrators which will lead the path to stimulating the industry.

Mr. President, we are at a unique juncture in the history of space discovery. I urge my colleagues to support this legislation, and to help restore Congressional confidence in NASA and the Nation's valuable space program.

By Mr. CRAIG:

S. 341. A bill to amend the Internal Revenue Code of 1986 to increase the amount allowable for qualified adoption expenses, to permanently extend the credit for adoption expenses, and to adjust the limitations on such credit for inflation, and for other purposes; to the Committee on Finance.

HOPE FOR CHILDREN ACT

Mr. CRAIG. Mr. President, I rise to introduce the Hope for Children Act, which is also being introduced today in the House of Representatives by Congressman TOM BLILEY of Virginia.

I think all of us—no matter what party or philosophy—share the hope that every child in the world has a loving, permanent home. The Hope for Children Act is aimed at making that hope a reality for more children, by making it possible for more families to open their homes and hearts to a child through adoption.

In the past few years, Congress has taken a number of steps to promote adoption in this country. I commend my colleagues on both sides of the aisle and in both chambers for their dedication to this effort. As an adoptive father myself, and co-chair of the bipartisan, bicameral Congressional Coalition on Adoption, I've been pleased to see more and more American families formed through adoption, and I sincerely believe the work of Congress has been a contributing factor.

However, we have some unfinished business to take care of, and that's what I'm here to talk about today.

Many of my colleagues will remember back in 1996, we succeeded in enacting a tax credit for adoption expenses. We did so, because we realized that adopting families face extraordinary challenges: not only must they forge a new family unit while navigating a labyrinth of legal or regulatory requirements, but they also have financial challenges above and beyond the usual expenses of caring for and raising children. The cost of adoption can easily push into the tens of thousands of dollars, counting legal fees, travel, medical bills and other expenses. All too often, it is the financial challenge that becomes an insurmountable obstacle to bringing a child who is alone in the world together with a loving family.

We knew the adoption tax credit wouldn't eliminate the expense of adoption outright, but would only allow eligible adoptive families to keep a bit more of their own hard-earned income to devote to those expenses. As a result, adoptive parents may be eligible to receive a tax credit of $5000 to help cover out-of-pocket expenses related to each adoption, or a $6000 tax credit for the adoption of a ''special needs'' child.

If the comments I've been hearing from families across the nation are any gauge, the credit has helped make adoption a reality for a lot of children. As more individuals explore the adoption option, they are finding the credit a small but significant cushion against the financial impact. Even so, I've received a number of constructive suggestions from families as to how the adoption tax credit could be improved, to make it more effective in promoting adoption in the United States.

Furthermore, back in 1996 when we originally debated this matter, there were political and fiscal considerations that caused Congress to include a sunset provision for the adoption tax credit. Unless we act soon to extend this enormously helpful tool, it will expire.

For all of those reasons, I am introducing the Hope for Children Act. It builds on the work done by our previous Congress, to improve and extend the adoption tax credit.

Specifically, it would make the tax credit permanent, and adjust it for inflation. It would also exclude the credit from calculation of the alternative minimum tax. The full credit would be available for taxpayers with adjusted gross incomes under $150,000; those with adjusted gross incomes between $150,000 and $190,000 would be able to take a reduced credit. No credit would be available to those with adjusted gross incomes of more than $190,000.

I should say at this point that I do not think this bill is the final word on the subject. I intend to work with interested groups and individuals on additional legislation that will promote adoption—perhaps most important, that will do more to promote the adoption of children with special needs.

There are so many children in the United States and the world who can only hope for the loving, permanent home that should be their birthright—I invite all Senators to join me in supporting the Hope for Children Act to help make their dreams a reality.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 341

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Hope for Children Act''.

SEC. 2. ADOPTION EXPENSES.

(a) INCREASE IN AMOUNTS ALLOWED.—

(1) DOLLAR AMOUNT OF ALLOWED EXPENSES.—Paragraph (1) of section 23(b) of the Internal Revenue Code of 1986 (relating to dollar limitation) is amended by striking ''$5,000'' and all that follows and inserting ''$10,000.''.

(2) PHASE-OUT LIMITATION.—Clause (i) of section 23(b)(2)(A) of such Code (relating to income limitation) is amended by striking ''$75,000'' and inserting ''$150,000''.

(b) REPEAL OF SUNSET ON CHILDREN WITHOUT SPECIAL NEEDS.—

(1) IN GENERAL.—Paragraph (2) of section 23(d) of such Code (relating to definition of eligible child) is amended to read as follows:

''(2) ELIGIBLE CHILD.—The term 'eligible child' means any individual who—

''(A) has not attained age 18, or

''(B) is physically or mentally incapable of caring for himself.''.

(2) CONFORMING AMENDMENT.—Subsection (d) of section 23 of such Code (relating to definitions) is amended by striking paragraph (3).

(c) ADJUSTMENT OF DOLLAR AND INCOME LIMITATIONS FOR INFLATION.—Section 23 of such Code is amended by redesignating subsection (h) as subsection (i) and by inserting after subsection (g) the following new subsection:

''(h) ADJUSTMENTS FOR INFLATION.—In the case of a taxable year beginning after December 31, 2000, each of the dollar amounts in paragraphs (1) and (2)(A)(i) of subsection (b) shall be increased by an amount equal to—

''(1) such dollar amount, multiplied by

''(2) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 1999' for 'calendar year 1992' in subparagraph (B) thereof.''.

(d) LIMITATION BASED ON AMOUNT OF TAX.—

(1) IN GENERAL.—Subsection (c) of section 23 of such Code is amended by striking ''the limitation imposed'' and all that follows through ''1400C)'' and inserting ''the applicable tax limitation''.

(2) APPLICABLE TAX LIMITATION.—Subsection (d) of section 23 of such Code (as amended by subsection (b)) is further amended adding at the end the following new paragraph:

''(3) APPLICABLE TAX LIMITATION.—The term 'applicable tax limitation' means the sum of—

''(A) the taxpayer's regular tax liability for the taxable year, reduced (but not below zero) by the sum of the credits allowed by sections 21, 22, 24 (other than the amount of the increase under subsection (d) thereof), 25, and 25A, and

''(B) the tax imposed by section 55 for such taxable year.''.

(3) CONFORMING AMENDMENTS.—

(A) Subsection (a) of section 26 of such Code (relating to limitation based on amount of tax) is amended by inserting ''(other than section 23)'' after ''allowed by this subpart''.

(B) Paragraph (1) of section 53(b) of such Code (relating to minimum tax credit) is amended by inserting ''reduced by the aggregate amount taken into account under section 23(d)(3)(B) for all such prior taxable years,'' after ''1986,''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1998.

By Mr. BOND (for himself, Mr. BURNS, Ms. SNOWE, Mr. ENZI, Mr. COVERDELL, Mr. HAGEL, Mr. KYL, Mr. CRAIG, Mr. INHOFE, Mr. HELMS, Ms. COLLINS, Mr. SPECTER, Mr. JEFFORDS, Mr. ROBERTS, and Mr. HUTCHINSON):

S. 343. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for 100 percent of the health insurance costs of self-employed individuals; to the Committee on Finance.

SELF-EMPLOYED HEALTH INSURANCE FAIRNESS ACT OF 1999

By Mr. BOND (for himself, Mr. NICKLES, Ms. SNOWE, Mr. COVERDELL, Mr. BENNETT, and Mr. COCHRAN):

S. 344. A bill to amend the Internal Revenue Code of 1986 to provide a safe harbor for determining that certain individuals are not employees; to the Committee on Finance.

INDEPENDENT CONTRACTOR SIMPLIFICATION AND RELIEF ACT OF 1999

Mr. BOND. Mr. President, small businesses today face enormous burdens when it comes to taxes. Each year they pay a growing portion of their revenues on income, employment, and excise taxes. Yet even before they write the tax check, they spend more than 5% of their revenues just to comply with the tax laws. These revenues are spent on accountants, bookkeepers, and lawyers to sort out the countless pages of tax laws, regulations, forms, instructions, rulings, and other guidance published by the IRS. In addition, small business owners must dedicate valuable time and energy on day-to-day record-keeping and other compliance requirements, all of which keep them from doing what they do best—running their business.

As the Chairman of the Committee on Small Business, I have heard from small business owners in Missouri and across this country that they are more than willing to pay their fair share of taxes. But what they object to is paying high tax bills and vast amounts for professional tax assistance only to end up the victim of an unfair tax code.

Mr. President, I rise today to introduce legislation that will eliminate two major sources of that unfairness and provide a level playing field for the millions of men and women who work exceedingly hard to make their small enterprises a success. These bills are common-sense measures that respond to the calls from small businesses for tax fairness and simplicity.

My first bill, the ''Self-Employed Health Insurance Fairness Act of 1999,'' will end one of the most glaring inequities that has existed in our tax law—the deductibility of health-insurance costs for the self-employed. For nearly five years, I have been working to see that the self-employed receive equal treatment when it comes to the deductibility of health insurance.

During the 105th Congress, we made substantial progress. First, in the Taxpayer Relief Act of 1997, we broke through the long-standing cap on the deduction to provide 100% deductibility. Then, last Fall, we passed legislation that will speed up the date that self-employed persons can fully deduct their health-insurance costs to 2003. We also significantly increased the deductible amounts in the intervening years over the prior law. While I strongly supported these improvements, the self-employed still cannot wait four more years for 100% deductibility when their large corporate competitors have long been able to deduct such costs in full.

With the self-employed able to deduct only 60% of their health-insurance costs today, it comes as no surprise that nearly a quarter of the self-employed still do not have health insurance. In fact, five million Americans live in families headed by a self-employed individual and have no health insurance. And those families include 1.3 million children who lack adequate health-insurance coverage.

Mr. President, it is time to finish the job once and for all in this Congress. My bill will increase the deductibility of health insurance for the self-employed to 100% beginning this year. A full deduction will make health insurance more affordable to the self-employed and help them and their families get the health insurance coverage that they need and deserve.

The ''Self-Employed Health Insurance Fairness Act'' also corrects another inequity in the tax law affecting the self-employed who try to provide health insurance for themselves, their families, and their employees. Under current law, the self-employed lose all of the health-insurance deduction if they are eligible to participate in another health-insurance plan—whether or not they actually participate.

This provision affects self-employed individuals like Steve Hagan in my hometown of Mexico, Missouri. Mr. Hagan is a financial planner who runs his own small business. Although he has a group medical plan for his employees, Mr. Hagan cannot deduct the cost of covering himself or his family simply because his wife is eligible for health insurance through her employer. The inequity is clear. Why should he be able to deduct the insurance costs for his employees but not for himself and his family? What if the insurance available through his wife's employer does not meet the needs of their family?

Besides being patently unfair, this is also an enormous trap for the unwary. Imagine the small business owner who learns that she can now deduct 60% of her health-insurance costs this year, and with the extra deduction, she can finally afford a group medical plan for herself and her employees. Then later in the year, her husband gets a new job that offers health insurance. Suddenly, her self-employed health-insurance deduction is gone, and she is left with two choices. She can bear the entire cost of her family's coverage, or terminate the insurance coverage for all her employees. The tax code should not force small business owners into this kind of ''no win'' situation when they try to provide insurance coverage for their employees and themselves.

My bill eliminates this problem by clarifying that the self-employed health-insurance deduction is limited only if the self-employed person actually participates in a subsidized health insurance plan offered by a spouse's employer or through a second job. It's simply a matter of fairness, and a step we need to take now.

The second bill that I introduce today is the ''Independent Contractor Simplification and Relief Act of 1999.'' This bill will provide clear rules and relief for entrepreneurs seeking to be treated as independent contractors and for businesses needing to use independent contractors. As the Chairman of the Small Business Committee, I have heard from countless small business owners who are caught in the environment of fear and confusion that now surrounds the classification of workers. This situation is stifling the entrepreneurial spirit of many small business owners who find that they do not have the flexibility to conduct their businesses in a manner that makes the best economic sense and that serves their personal and family goals.

The root of this problem is found in the IRS' test for determining whether a worker is an independent contractor or an employee. Over the past three decades, the IRS has relied on a 20-factor test based on the common law to make this determination. On first blush, a 20-factor test sounds like a reasonable approach—if a taxpayer demonstrates a majority of the factors, he is an independent contractor. Not surprisingly, the IRS' test is not that simple. It is a complex set of extremely subjective criteria with no clear weight assigned to any of the factors. As a result, small business taxpayers are not able to predict which of the 20 factors will be most important to a particular IRS agent, and finding a certain number of these factors in any given case does not guarantee the outcome.

To make matters worse, the IRS' determination inevitably occurs two or three years after the parties have determined in good faith that they have an independent-contractor relationship. And the consequences can be devastating. The business recipient of the services is forced to reclassify the independent contractor as an employee and must pay the payroll taxes the IRS says should have been collected in the prior years. Interest and penalties are also piled on. The result for many small businesses is a tax bill that bankrupts the company. But that's not the end of the story. The IRS then goes after the service provider, who is now classified as an employee, and disallows a portion of her business expenses—again resulting in additional taxes, interest and penalties.

Mr. President, all of us in this body recognize that the IRS is charged with

the duty of collecting Federal revenues and enforcing the tax laws. The problem in this case is that the IRS is using a procedure that is patently unfair and subjective. And the result is that businesses must spend thousands of dollars on lawyers and accountants to try to satisfy the IRS' procedures, but with no certainty that the conclusions will be respected. That's no way for businesses to operate in today's rapidly changing economy.

For its part, the IRS has adopted a worker classification training manual, which according to the agency is an ''attempt to identify, simplify, and clarify the relevant facts that should be evaluated in order to accurately determine worker classification * * *.'' There can be no more compelling reason for immediate action on this issue. The IRS' training manual is more than 150 pages. If it takes that many pages to teach revenue agents how to ''simplify and clarify'' this small business tax issue, I think we can be sure how simple and clear it is going to seem to taxpayers who try to figure it out on their own.

The ''Independent Contractor Simplification and Relief Act'' is based on the provisions of my Home-Based Business Fairness Act, which I introduced at the start of the 105th Congress. My bill removes the need for so many pages of instruction on the 20-factor test by establishing clear rules for classifying workers based on objective criteria. Under these criteria, if there is a written agreement between the parties, and if an individual demonstrates economic independence and independence with respect to the workplace, he will be treated as an independent contractor rather than an employee. And the service recipient will not be treated as an employer. In addition, individuals who perform services through their own corporation or limited liability company will also qualify as independent contractors as long as there is a written agreement and the individuals provide for their own benefits.

The safe harbor is simple, straightforward, and final. To take advantage of it, payments above $600 per year to an individual service provider must be reported to the IRS, just as is required under current law. This will help ensure that taxes properly due to the Treasury will continue to be collected.

Mr. President, the IRS contends that there are millions of independent contractors who should be classified as employees, which costs the Federal government billions of dollars a year. This assertion is plainly incorrect. Classification of a worker has no cost to the government. What costs the government are taxpayers who do not pay their taxes. My bill has three requirements that I believe will improve compliance among independent contractors using the new rules I propose. First, there must be a written agreement between the parties—this will put the independent contractor on notice at the beginning that he is responsible for his own tax payments. Second, the new rules will not apply if the service recipient does not comply with the reporting requirements and issue 1099s to individuals who perform services. Third, an independent contractor operating through his own corporation or limited liability company must file all required income and employment tax returns in order to be protected under the bill.

In the last Congress, concerns were raised that permitting individuals who provide their services through their own corporation or limited liability company to qualify as independent contractors would lead to abusive situations at the expense of workers who should be treated as employees. To prevent this option from being abused, I have added language that limits the number of former employees that a service recipient may engage as independent contractors under the incorporation option. This limit will protect against misuse of the incorporation option while still allowing individuals to start their own businesses and have a former employer as one of their initial clients.

Another major concern of many businesses and independent contractors is the issue of reclassification. My bill provides relief to these taxpayers when the IRS determines that a worker was misclassified. Under my bill, if the business and the independent contractor have a written agreement, if the applicable reporting requirements were met, and if there was a reasonable basis for the parties to believe that the worker is an independent contractor, then an IRS reclassification will only apply prospectively. This provision gives important peace of mind to small businesses that act in good faith by removing the unpredictable threat of retroactive reclassification and substantial interest and penalties.

A final provision of this legislation, Mr. President, is the repeal of section 1706 of the 1986 Tax Reform Act. This section affects businesses that engage technical service providers, such as engineers, designers, drafters, computer programmers, and systems analysts. In certain cases, Section 1706 precludes these businesses from applying the reclassification protections under section 530 of the Revenue Act of 1978. When section 1706 was enacted, its proponents argued that technical service workers were less compliant in paying their taxes. Later examination of this issue by the Treasury Department found that technical service workers are in fact more likely to pay their taxes than most other types of independent contractors. This revelation underscores the need to repeal section 1706 and level the playing field for individuals in these professions.

In the last two Congresses, proposals to repeal section 1706 enjoyed wide bipartisan support. The bill I introduce today is designed to level the playing field for individuals in these professions by providing the businesses that engage them with the same protections that businesses using other types of independent contractors have enjoyed for more than 20 years.

Mr. President, the bills I introduce today are common-sense measures that answer small business' urgent plea for fairness and simplicity in the tax law. As we work toward the day when the entire tax law is based on these principles, we can make a difference today by enacting these two bills. Entrepreneurs have waited too long—let's get the job done!

Mr. President, I ask unanimous consent to include in the RECORD a copy of each bill and a description of its provisions.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

S. 343

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Self-Employed Health Insurance Fairness Act of 1999''.

SEC. 2. DEDUCTION FOR HEALTH INSURANCE COSTS OF SELF-EMPLOYED INDIVIDUALS INCREASED.

(a) IN GENERAL.—Section 162(l)(1) of the Internal Revenue Code of 1986 (relating to special rules for health insurance costs of self-employed individuals) is amended to read as follows:

''(1) ALLOWANCE OF DEDUCTION.—In the case of an individual who is an employee within the meaning of section 401(c)(1), there shall be allowed as a deduction under this section an amount equal to the amount paid during the taxable year for insurance which constitutes medical care for the taxpayer, the taxpayer's spouse, and dependents.''

(b) CLARIFICATION OF LIMITATIONS ON OTHER COVERAGE.—The first sentence of section 162(l)(2)(B) of the Internal Revenue Code of 1986 is amended to read as follows: ''Paragraph (1) shall not apply to any taxpayer for any calendar month for which the taxpayer participates in any subsidized health plan maintained by any employer (other than an employer described in section 401(c)(4)) of the taxpayer or the spouse of the taxpayer.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1998.

SELF-EMPLOYED HEALTH INSURANCE FAIRNESS ACT OF 1999—DESCRIPTION OF PROVISIONS

The bill amends section 162(l)(1) of the Internal Revenue Code to increase the deduction for health-insurance costs for self-employed individuals to 100% beginning on January 1, 1999. Currently the self-employed can only deduct 60% percent of these costs. The deduction is not scheduled to reach 100% until 2003, under the provisions of the Omnibus Consolidated and Emergency Supplemental Appropriations Act of 1998, which was signed into law in October 1998. The bill is designed to place self-employed individuals on an equal footing with large businesses, which can currently deduct 100% of the health-insurance costs for all of their employees.

The bill also corrects a disparity under current law that bars a self-employed individual from deducting any of his or her health-insurance costs if the individual is eligible to participate in another health-insurance plan. This provision affects self-employed individuals who are eligible for, but

do not participate in, a health-insurance plan offered through a second job or through a spouse's employer. That insurance plan may not be adequate for the self-employed business owner, and this provision prevents the self-employed from deducting the costs of insurance policies that do meet the specific needs of their families. In addition, this provision provides a significant disincentive for self-employed business owners to provide group health insurance for their employees. The bill ends this disparity by clarifying that a self-employed person loses the deduction only if he or she actually participates in another health-insurance plan.

S. 344

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Independent Contractor Simplification and Relief Act of 1999''.

SEC. 2. SAFE HARBOR FOR DETERMINING THAT CERTAIN INDIVIDUALS ARE NOT EMPLOYEES.

(a) IN GENERAL.—Chapter 25 (relating to general provisions relating to employment taxes) is amended by adding after section 3510 the following new section:

''SEC. 3511. SAFE HARBOR FOR DETERMINING THAT CERTAIN INDIVIDUALS ARE NOT EMPLOYEES.

''(a) SAFE HARBOR.—

''(1) IN GENERAL.—For purposes of this title, if the requirements of subsections (b), (c), and (d), or the requirements of subsections (d) and (e), are met with respect to any service performed by any individual, then with respect to such service—

''(A) the service provider shall not be treated as an employee,

''(B) the service recipient shall not be treated as an employer,

''(C) the payor shall not be treated as an employer, and

''(D) compensation paid or received for such service shall not be treated as paid or received with respect to employment.

''(2) AVAILABILITY OF SAFE HARBOR NOT TO LIMIT APPLICATION OF OTHER LAWS.—Nothing in this section shall be construed—

''(A) as limiting the ability of a service provider, service recipient, or payor to apply other provisions of this title, section 530 of the Revenue Act of 1978, or the common law in determining whether an individual is not an employee, or

''(B) as a prerequisite for the application of any provision of law described in subparagraph (A).

''(b) SERVICE PROVIDER REQUIREMENTS WITH REGARD TO THE SERVICE RECIPIENT.—For purposes of subsection (a), the requirements of this subsection are met if the service provider, in connection with performing the service—

''(1) has the ability to realize a profit or loss,

''(2) agrees to perform services for a particular amount of time or to complete a specific result or task, and

''(3) either—

''(A) incurs unreimbursed expenses which are ordinary and necessary to the service provider's industry and which represent an amount equal to at least 2 percent of the service provider's adjusted gross income attributable to services performed pursuant to 1 or more contracts described in subsection (d), or

''(B) has a significant investment in assets.

''(c) ADDITIONAL SERVICE PROVIDER REQUIREMENTS WITH REGARD TO OTHERS.—For the purposes of subsection (a), the requirements of this subsection are met if the service provider—

''(1) has a principal place of business,

''(2) does not primarily provide the service at a single service recipient's facilities,

''(3) pays a fair market rent for use of the service recipient's facilities, or

''(4) operates primarily from equipment not supplied by the service recipient.

''(d) WRITTEN DOCUMENT REQUIREMENTS.—For purposes of subsection (a), the requirements of this subsection are met if the services performed by the service provider are performed pursuant to a written contract between such service provider and the service recipient, or the payor, and such contract provides that the service provider will not be treated as an employee with respect to such services for Federal tax purposes and that the service provider is responsible for the provider's own Federal, State, and local income taxes, including self-employment taxes and any other taxes.

''(e) BUSINESS STRUCTURE AND BENEFITS REQUIREMENTS.—For purposes of subsection (a), the requirements of this subsection are met if the service provider—

''(1) conducts business as a properly constituted corporation or limited liability company under applicable State laws, and

''(2) does not receive from the service recipient or payor any benefits that are provided to employees of the service recipient.

''(f) SPECIAL RULES.—For purposes of this section—

''(1) FAILURE TO MEET REPORTING REQUIREMENTS.—If for any taxable year any service recipient or payor fails to meet the applicable reporting requirements of section 6041(a) or 6041A(a) with respect to a service provider, then, unless the failure is due to reasonable cause and not willful neglect, the safe harbor provided by this section for determining whether individuals are not employees shall not apply to such service recipient or payor with respect to that service provider.

''(2) CORPORATION AND LIMITED LIABILITY COMPANY SERVICE PROVIDERS.—

''(A) RETURNS REQUIRED.—If, for any taxable year, any corporation or limited liability company fails to file all Federal income and employment tax returns required under this title, unless the failure is due to reasonable cause and not willful neglect, subsection (e) shall not apply to such corporation or limited liability company.

''(B) RELIANCE BY SERVICE RECIPIENT OR PAYOR.—If a service recipient or a payor—

''(i) obtains a written statement from a service provider which states that the service provider is a properly constituted corporation or limited liability company, provides the State (or in the case of a foreign entity, the country), and year of, incorporation or formation, provides a mailing address, and includes the service provider's employer identification number, and

''(ii) makes all payments attributable to services performed pursuant to 1 or more contracts described in subsection (d) to such corporation or limited liability company,

then the requirements of subsection (e)(1) shall be deemed to have been satisfied.

''(C) AVAILABILITY OF SAFE HARBOR.—

''(i) IN GENERAL.—For purposes of this section, unless otherwise established to the satisfaction of the Secretary, the number of covered workers which are not treated as employees by reason of subsection (e) for any calendar year shall not exceed the threshold number for the calendar year.

''(ii) THRESHOLD NUMBER.—For purposes of this paragraph, the term 'threshold number' means, for any calendar year, the greater of (I) 10 covered workers, or (II) a number equal to 3 percent of covered workers.

''(iii) COVERED WORKER.—For purposes of this paragraph, the term 'covered worker' means an individual for whom the service recipient or payor paid employment taxes under subtitle C in all 4 quarters of the preceding calendar year.

''(3) BURDEN OF PROOF.—For purposes of subsection (a), if—

''(A) a service provider, service recipient, or payor establishes a prima facie case that it was reasonable not to treat a service provider as an employee for purposes of this section, and

''(B) the service provider, service recipient, or payor has fully cooperated with reasonable requests from the Secretary or his delegate,

then the burden of proof with respect to such treatment shall be on the Secretary.

''(4) RELATED ENTITIES.—If the service provider is performing services through an entity owned in whole or in part by such service provider, the references to service provider in subsections (b) through (e) shall include such entity if the written contract referred to in subsection (d) is with such entity.

''(g) DETERMINATIONS BY THE SECRETARY.—For purposes of this title—

''(1) IN GENERAL.—

''(A) DETERMINATIONS WITH RESPECT TO A SERVICE RECIPIENT OR A PAYOR.—A determination by the Secretary that a service recipient or a payor should have treated a service provider as an employee shall be effective no earlier than the notice date if—

''(i) the service recipient or the payor entered into a written contract satisfying the requirements of subsection (d),

''(ii) the service recipient or the payor satisfied the applicable reporting requirements of section 6041(a) or 6041A(a) for all taxable years covered by the contract described in clause (i), and

''(iii) the service recipient or the payor demonstrates a reasonable basis for determining that the service provider is not an employee and that such determination was made in good faith.

''(B) DETERMINATIONS WITH RESPECT TO A SERVICE PROVIDER.—A determination by the Secretary that a service provider should have been treated as an employee shall be effective no earlier than the notice date if—

''(i) the service provider entered into a contract satisfying the requirements of subsection (d),

''(ii) the service provider satisfied the applicable reporting requirements of sections 6012(a) and 6017 for all taxable years covered by the contract described in clause (i), and

''(iii) the service provider demonstrates a reasonable basis for determining that the service provider is not an employee and that such determination was made in good faith.

''(C) REASONABLE CAUSE EXCEPTION.—The requirements of subparagraph (A)(ii) or (B)(ii) shall be treated as being met if the failure to satisfy the applicable reporting requirements is due to reasonable cause and not willful neglect.

''(2) CONSTRUCTION.—Nothing in this subsection shall be construed as limiting any provision of law that provides an opportunity for administrative or judicial review of a determination by the Secretary.

''(3) NOTICE DATE.—For purposes of this subsection, the notice date is the 30th day after the earlier of—

''(A) the date on which the first letter of proposed deficiency that allows the service provider, the service recipient, or the payor an opportunity for administrative review in the Internal Revenue Service Office of Appeals is sent, or

''(B) the date on which the deficiency notice under section 6212 is sent.

''(h) DEFINITIONS.—For the purposes of this section—

''(1) SERVICE PROVIDER.—The term 'service provider' means any individual who performs a service for another person.

''(2) SERVICE RECIPIENT.—Except as provided in paragraph (4), the term 'service recipient' means the person for whom the service provider performs such service.

''(3) PAYOR.—Except as provided in paragraph (4), the term 'payor' means the person who pays the service provider for the performance of such service in the event that the service recipient does not pay the service provider.

''(4) EXCEPTIONS.—The terms 'service recipient' and 'payor' do not include any entity in which the service provider owns in excess of 5 percent of—

''(A) in the case of a corporation, the total combined voting power of stock in the corporation, or

''(B) in the case of an entity other than a corporation, the profits or beneficial interests in the entity.

''(5) IN CONNECTION WITH PERFORMING THE SERVICE.—The term 'in connection with performing the service' means in connection or related to the operation of the service provider's trade or business.

''(6) PRINCIPAL PLACE OF BUSINESS.—For purposes of subsection (c), the term 'principal place of business' has the same meaning as under section 280A(c)(1) (as in effect for taxable years beginning after December 31, 1998).

''(7) FAIR MARKET RENT.—The term 'fair market rent' means a periodic, fixed minimum rental fee which is based on the fair rental value of the facilities and is established pursuant to a written contract with terms similar to those offered to unrelated persons for facilities of similar type and quality.''

(b) REPEAL OF SECTION 530(d) OF THE REVENUE ACT OF 1978.—Section 530(d) of the Revenue Act of 1978 (as added by section 1706 of the Tax Reform Act of 1986) is repealed.

(c) CLERICAL AMENDMENT.—The table of sections for chapter 25 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

''Sec. 3511. Safe harbor for determining that certain individuals are not employees.''

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to services performed after the date of the enactment of this Act.

(2) DETERMINATIONS BY THE SECRETARY.—Section 3511(g) of the Internal Revenue Code of 1986 (as added by subsection (a)) shall apply to determinations after the date of the enactment of this Act.

(3) SECTION 530(d).—The amendment made by subsection (b) shall apply to periods ending after the date of the enactment of this Act.

INDEPENDENT CONTRACTOR SIMPLIFICATION AND RELIEF ACT OF 1999—DESCRIPTION OF PROVISIONS

The bill addresses the worker-classification issue (e.g., whether a worker is an employee or an independent contractor) by creating a new section 3511 of the Internal Revenue Code. The new section will provide straightforward rules for classifying workers and provide relief from the IRS' reclassification of an independent contractor in certain circumstances. The bill is designed to provide certainty for businesses that enter into independent-contractor relationships and minimize the risk of huge tax bills for back taxes, interest, and penalties if a worker is misclassified after the parties have entered into an independent-contractor relationship in good faith.

CLEAR RULES FOR WORKER CLASSIFICATION

Under the bill's new worker-classification rules, an individual will be treated as an independent contractor and the service recipient will not be treated as an employer if either of two tests is met—the ''general test'' or the ''incorporation test.''

General Test: The general test requires that the independent contractor demonstrate economic independence and workplace independence and have a written contract with the service recipient.

Economic independence exists if the independent contractor has the ability to realize a profit or loss and agrees to perform services for a particular amount of time or to complete a specific result or task. In addition, the independent contractor must either incur unreimbursed expenses that are consistent with industry practice and that equal at least 2% of the independent contractor's adjusted gross income from the performance of services during the taxable year, or have a significant investment in the assets of his or her business.

Workplace independence exists if one of the following applies: the independent contractor has a principal place of business (including a ''home office'' as expanded by the Taxpayer Relief Act of 1997); he or she performs services at more than one service recipient's facilities; he or she pays a fair-market rent for the use of the service recipient's facilities; or the independent contractor uses his or her own equipment.

The written contract between the independent contractor and the service recipient must provide that the independent contractor will not be treated as an employee and is responsible for his or her own taxes.

Incorporation Test: Under this test, an individual will be treated as an independent contractor if he or she conducts business through a corporation or a limited liability company. In addition, the independent contractor must be responsible for his or her own benefits, instead of receiving benefits from the service recipient. The independent contractor must also have a written contract with the service provider stating that the independent contractor will not be treated as an employee and is responsible for his or her own taxes.

To prevent the incorporation test from being abused, the bill limits the number of former employees that a service recipient may engage as independent contractors under this test. The limitation is based on the number of people employed by the service recipient in the preceding year and is equal to the greater of 10 persons or 3% of the service recipient's employees in the preceding year. For example, Business X has 500 employees in 1998. In 1999 up to 15 employees (the greater of 3% of Business X's 1998 employees or 10 individuals) could incorporate their own businesses and still have Business X as one of their initial clients. This limitation would not affect the number of incorporated independent contractors who were not former employees of the service recipient or independent contractors meeting the general test.

Additional Provisions: The new worker-classification rules also apply to three-party situations in which the independent contractor is paid by a third party, such as a payroll company, rather than directly by the service recipient. The new worker-classification rules, however, will not apply to a service recipient or a third-party payor if they do not comply with the existing reporting requirements and file 1099s for individuals who work as independent contractors. A limited exception is provided for cases in which the failure to file a 1099 is due to reasonable cause and not willful neglect.

New Worker-Classification Rules Do Not Replace Other Options: In the event that the new worker-classification rules do not apply, the bill makes clear that the independent contractor or service recipient can still rely on the 20-factor common law test or other provisions of the Internal Revenue Code applicable in determining whether an individual is an independent contractor or employee. In addition, the bill does not limit any relief to which a taxpayer may be entitled under Section 530 of the Revenue Act of 1978. The bill also makes clear that the new rules will not be construed as a prerequisite for these other provisions of the law.

RELIEF FROM RECLASSIFICATION

The bill provides relief from reclassification by the IRS of an independent contractor as an employee. For many service recipients who make a good-faith effort to classify the worker correctly, this event can result in extensive liability for back employment taxes, interest, and penalties.

Relief Under the New Worker-Classification Rules: The bill provides relief for cases in which a worker is treated as an independent contractor under the new worker-classification rules and the IRS later contends that the new rules do not apply. In that case, the burden of proof will fall on the IRS, rather than the taxpayer, to prove that the new worker-classification rules do not apply. To qualify for this relief the taxpayer must demonstrate a credible argument that it was reasonable to treat the service provider as an independent contractor under the new rules, and the taxpayer must fully cooperate with reasonable requests from the IRS.

Protection Against Retroactive Reclassification: If the IRS notifies a service recipient that an independent contractor should have been classified as an employee (under the new or old rules), the bill provides that the IRS' determination can become effective only 30 days after the date that the IRS sends the notification. To qualify for this provision, the service recipient must show that:

there was a written agreement between the parties;

the service recipient satisfied the applicable reporting requirements for all taxable years covered by the contract; and

there was a reasonable basis for determining that the independent contractor was not an employee and the service provider made the determination in good faith.

The bill provides similar protection for independent contractors who are notified by the IRS that they should have been treated as an employee.

The protection against retroactive reclassification is intended to remove some of the uncertainty for businesses contracting with independent contractors, especially those who must use the IRS's 20-factor common law test. While the bill would prevent the IRS from forcing a service recipient to treat an independent contractor as an employee for past years, the bill makes clear that a service recipient or an independent contractor can still challenge the IRS's prospective reclassification of an independent contractor through administrative or judicial proceedings.

REPEAL OF SECTION 1706 OF THE REVENUE ACT OF 1978

The bill repeals section 530(d) of the Revenue Act of 1978, which was added by section 1706 of the Tax Reform Act of 1986. This provision precludes businesses that engage technical service providers (e.g., engineers, designers, drafters, computer programmers, systems analysts, and other similarly qualified individuals) in certain cases from applying the reclassification protections under section 530. The bill is designed to level the

playing field for individuals in these professions by providing the businesses that engage them with the same protections that businesses using other types of independent contractors have enjoyed for more than 20 years.

EFFECTIVE DATES

In general, the independent-contractor provisions of the bill, including the new worker-classification rules, will be effective for services performed after the date of enactment of the bill. The protection against retroactive reclassification will be effective for IRS determinations after the date of enactment, and the repeal of section 530(d) will be effective for periods ending after the date of enactment of the bill.

By Mr. ALLARD:

S. 345. A bill to amend the Animal Welfare Act to remove the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful; to the Committee on Agriculture, Nutrition, and Forestry.

AMENDMENT TO ANIMAL WELFARE ACT

Mr. ALLARD. Mr. President, today I am introducing a bill to amend the Animal Welfare Act to remove the limitation that permits interstate movement of live birds for the purpose of fighting to States in which animal fighting is lawful.

Currently, the Animal Welfare Act makes it unlawful for any person to knowingly sponsor or exhibit an animal in any animal fighting venture to which the animal was moved in interstate or foreign commerce. This means that if an animal crosses state lines and then fights in a state where cockfighting is not legal, that is a crime. However, the law further states, ''the activities prohibited by such subsections shall be unlawful with respect to fighting ventures involving live birds only if the fight is to take place in a State where it would be in violation of the laws thereof.'' This means that the law applies to all animals involved in all types of fighting—except for birds being transported for cockfighting purposes to a state where cockfighting is still legal. Because of the loophole, law enforcement officers have a more difficult time prosecuting under their state cockfighting bans.

As introduced this legislation will close the loophole on cockfighting, and prohibit interstate movement of birds for the purpose of fighting from states where cockfighting is illegal to states where cockfighting is legal. This legislation will clarify that possession of fighting birds in any of the 47 states would then be illegal, as shipping them out for cockfighting purposes would be illegal.

I believe that my colleague from states where cockfighting is illegal will benefit from this change because it will make law enforcement easier. I also believe that my colleagues from states or territories where cockfighting is currently legal should not oppose this change as it merely confines cockfighting to within that state's borders.

By Mrs. HUTCHISON (for herself, Mr. GRAHAM, Mr. VOINOVICH, Mr. ABRAHAM, Mr. MCCONNELL, Mr. MCCAIN, Mr. LOTT, Mr. LEAHY, Mr. SMITH of Oregon, Mr. GORTON, Mrs. MURRAY, Mr. ALLARD, Mr. BURNS, Mr. FRIST, Mr. COCHRAN, Mr. CRAIG, Mr. BUNNING, Mr. KYL, Mr. LUGAR, Mr. INHOFE, Mr. HUTCHINSON, Mr. MACK, Mrs. LINCOLN, Mr. TORRICELLI, Mr. BAYH, Mr. MURKOWSKI, Mr. GRAMM, and Mr. THOMPSON):

S. 346. A bill to amend title XIX of the Social Security Act to prohibit the recoupment of funds recovered by States from one or more tobacco manufacturers; to the Committee on Finance.

STATES RIGHTS PROTECTION ACT OF 1999

Mrs. HUTCHISON. Mr. President, I am pleased to introduce this bill, along with 27 other cosponsors. The prime one is Senator BOB GRAHAM of Florida, who has worked very hard with me over the last year to make sure that the State tobacco settlements which our States have worked so hard to achieve will remain in control of the States because, in fact, the President's budget which was just released this week assumes that it will still seize $18.9 billion of the State tobacco settlement funds for Medicaid recoupment. Mr. President, that is just not right, and the bill I am introducing with Senator GRAHAM of Florida, Senator GORTON, and 26 others, on a bipartisan basis, will keep that from happening.

The bill is strongly supported by the National Governors' Association, the National Association of Attorneys General, the National Conference of State Legislators, and several other groups.

I ask unanimous consent that letters of support from these groups be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NATIONAL GOVERNORS ASSOCIATION,
Washington, DC, February 3, 1999.

Hon. KAY BAILEY HUTCHISON,
U.S. Senate, Washington, DC.

Hon. BOB GRAHAM,
U.S. Senate, Washington, DC.

DEAR SENATORS HUTCHISON AND GRAHAM: A major priority for the nation's Governors during the 106th Congress is ensuring that state tobacco settlement funds are protected from unwarranted seizure by the federal government. The Governors believe it is critical that access to full, unencumbered recoupment protection be afforded to all states. We are pleased that you have introduced legislation to accomplish this goal. Your legislation would prohibit the federal government from attempting to recover a staggering 57% of the entire settlement amount.

Our states' Attorneys General carefully crafted the tobacco agreement to reflect only state costs. Medicaid costs were not a major issue in negotiating the settlement. In fact, the final agreement reached by the Attorneys General on November 23, 1998 does not mention Medicaid. Therefore, there is no legitimate federal claim on the settlement.

Without the states' leadership and years of commitment to initiating state lawsuits, the nation would not have achieved one of its major goals—a comprehensive settlement with the tobacco industry. After bearing all of the risks and expenses in the arduous negotiations and litigation necessary to have proceeded with their lawsuit, states are now entitled to all of the funds awarded to them in the tobacco settlement agreement without federal seizure.

We look forward to working with you and other Members of Congress to enact this legislation and prevent federal seizure of state tobacco settlement funds.

Sincerely,

THOMAS R. CARPER.
MICHAEL O. LEAVITT.

NATIONAL CONFERENCE OF
STATE LEGISLATURES,
Washington, DC, February 1, 1999.

Hon. KAY BAILEY HUTCHISON,
Russell Senate Office Building, Washington, DC.

DEAR SENATOR HUTCHISON: On behalf of the National Conference of State Legislatures (NCSL), I write in support of bipartisan legislation that Senator Bob Graham and you will soon introduce to ensure that states retain all of their tobacco settlement funds. NCSL has made this legislation its top priority for 1999. NCSL is very appreciative of the leadership you provided on this issue during the 105th Congress. I am grateful for your willingness to lead the way again in 1999. The nation's state legislators will work steadfastly with you and all of your Senate colleagues to ensure that this legislature is enacted.

It is through the sole efforts of states that the historic settlement of November 23, 1998 and four prior individual state settlements were finalized. States initiated the suits that led to the settlements without any assistance from the federal government. States consumed their own resources and accepted all of the risks with their suits. Additionally, the November 23, 1998 agreement makes no mention of Medicaid, which is the program cited by those who want to establish a basis for seizing state tobacco settlement funds. It is clear to me that the federal government has no claim to these funds. I fully appreciate, however, the need for clarification that federal legislation would provide.

As you well know, states are no finalizing the settlement, carrying out the terms of the accord and making final fiscal determinations about how to most responsibly apply settlement funds to public health and other needs. Threats of recoupment and related uncertainties only compromise our ability to progress with finalizing the settlement and working to reduce youth smoking, abating youth access to tobacco products and addressing the economic impact of anticipated reduced demand for tobacco products. Enactment of your federal legislation would eliminate these threats and permit states to move forward.

I look forward to working closely with you to a successful and mutually acceptable resolution of this issue.

Sincerely,

DAN BLUE,
President, North Carolina House of Representatives.

NATIONAL ASSOCIATION OF
ATTORNEYS GENERAL,
Washington, DC, February 1, 1999.

Hon. KAY BLILEY HUTCHISON,
U.S. Senate, Washington, DC.

DEAR SENATOR HUTCHISON: Your support at the recent press conference for protecting the state tobacco settlements from seizure by the federal government was much appreciated. On behalf of the Association, thank you for your leadership early in the new session on this issue.

Building on the strong bipartisan support evidenced on January 21, we want to continue to work with you and your colleagues on legislation that will ensure that the states retain all of their tobacco settlement funds. We hope this legislation will be enacted as early as possible in the 106th Congress.

Sincerely yours,

CHRISTINE O. GREGOIRE,
Attorney General of Washington.
BETTY MONTGOMERY,
Attorney General of Ohio.

NATIONAL ASSOCIATION OF COUNTIES,
Washington, DC, January 27, 1999.

Hon. KAY BAILEY HUTCHISON,
Russell Building, Washington, DC.

DEAR SENATOR HUTCHISON: I am writing to let you know that the National Association of Counties (NACo) strongly endorses the bill to be introduced by you and Senator Bob Graham (D–FL) that would prevent the federal recoupment of states' tobacco settlement funds. NACo is adamantly opposed to any attempt by the federal government to go after these funds and applauds the introduction of this straightforward, bipartisan legislation.

The $206 billion settlement agreed to on November 23, 1998 by the state Attorneys General and the major United States tobacco companies settles more than 40 pending lawsuits. These lawsuits, which were initiated by state and local governments with no assistance, in any form, from the federal government, were based on a variety of claims, including consumer fraud, antitrust protections, conspiracy, and racketeering. In addition, the state Attorneys General negotiated the settlement to reflect only state costs and damages. Therefore, the federal government's claim that these settlement monies represent Medicaid funds and should be returned to federal coffers is simply not an accurate portrayal of the settlement agreement. The agreement does not claim to or intend to recover Medicaid costs. Attempts by the federal government to claim these funds would likely result in lengthy and costly legal battles between the states and the federal government and would not be a wise use of government resources.

NACo applauds your efforts and those of Senator Graham to protect these funds. We will continue to work to prevent the federal recoupment of the states' tobacco settlement monies, and we support this legislation.

Sincerely,

BETTY LOU WARD,
President.

NATIONAL LEAGUE OF CITIES,
Washington, DC, February 3, 1999.

Hon. KAY BAILEY HUTCHISON,
U.S. Senate, Washington, DC.

DEAR SENATOR HUTCHISON: On behalf of 135,000 cities and towns, I would like to express the National League of Cities' support for the legislation you are introducing today along with Senator Bob Graham that would prevent the federal government from taking a portion of state tobacco settlement revenues.

If the federal government were able to take a portion of state settlement funds, cities and towns would bear the brunt of this loss. This could mean that local tobacco cessation programs and teenage smoking prevention programs would not be funded and indigent care costs would not be compensated. Cities and towns are often the last means of defense in covering health care costs, particularly indigent care costs.

For example, California's cities and counties stand to receive half of the state's share of the settlement. This money will directly assist cities and towns in helping to pay for health care programs and costs. Other local governments are currently working with their state legislatures to address uncompensated costs related to tobacco illnesses and to address local health care needs with settlement funds.

The National League of Cities adopted a resolution at the December 1998 Congress of Cities in Kansas City, Missouri, that addresses municipal interests in the tobacco settlement. A provision in the resolution states that any revenues received by states or municipalities from any settlement with the tobacco industry should not be required to be paid to the federal government for Medicaid/Medicare or any other program.

We support the legislation introduced today, and your continued effort to protect the interest of our nation's cities and towns.

Sincerely,

CLARENCE E. ANTHONY,
NLC President and Mayor, South Bay, FL.

Mrs. HUTCHISON. Mr. President, 46 States reached a settlement last November which added them to the other States that already had settled with the tobacco companies, making every State in America now in a settlement with the tobacco companies. These States have not just chosen to put the money that is coming in from the tobacco settlement on Medicaid and health care issues. There are myriad State issues that this money is going to be used for. But that is in limbo today because the President has given notice that he is going to seize this money from them. So everything is going to be held in abeyance until we settle this issue once and for all.

That is what our bill will do. There is no reason—no reason whatsoever—that we should take money from the Medicaid funds that go to the States which provide a safety net for the millions of low-income and disabled Americans who depend on Medicaid for their health care needs. We cannot allow that to happen, and we will not.

I intend to work with the cosponsors of this bill to find the first available vehicle to attach it so that we can make sure that this money that our States have worked alone to achieve, with no help from the Federal Government, will remain in their sole jurisdiction; that they will be able to make the choices on what their States need and not have dictated to them by the Federal Government what they will spend this money for.

Many States—I was talking to Senator ABRAHAM from the State of Michigan, and they are going to create scholarship funds for low-income students in Michigan, a very worthy cause. Other States are going to be doing education to try to encourage teenagers not to smoke. We don't want to substitute our judgment for the judgment that the States are making for their best and most important priorities.

So I am pleased to have the 28 cosponsors of this bill. I think we will pass it. I hope that we can do it quickly so that these States will have the freedom to spend this money on the much needed programs in those States.

I am happy to yield to Senator GORTON.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, the federal government has done quite enough to impede states efforts to recover damages from and change the practices of tobacco manufacturers. Though they asked, the state Attorneys General received no help from the federal government in their litigation. When, despite this, the states in mid-1997 proposed to settle their claims for almost $400 billion and asked the Administration and Congress to codify the agreement, the federal government instead blew it up by spending the states' money, and then some, on this Administration's pet social projects. It was only through the ingenuity, hard work, and unwavering perseverance of people like Washington state Attorney General Christine Gregoire that states were able to take the tobacco manufacturers back to the table in late 1998 and obtain a settlement agreement for $206 billion.

Though it did none of the work, the Administration now wants to share in the reward. Using an old provision in the Social Security Act, a provision that I understand was intended to permit federal Medicaid recoupment in cases of fraud or over billing, the federal government is now claiming over 50% of the states' settlement money. To exact what it claims is its share, the Administration intends to withhold Medicaid payments, payments that go to the neediest residents of Washington and other states.

This is no idle threat: three days ago, the President sent us a budget in which he spent $16 billion of the states' settlement money in the next five years. The President did indicate, however, that he would relinquish this claim to the money for one year if states agree to spend the money as he and other Washington, D.C. bureaucrats see fit. This is just wrong.

The bill that we are introducing today rights this wrong. It allows states to keep the monies they fought for. No strings attached. The federal government has not earned this money, and does not know better than states how it should be spent. I urge my colleagues to join me and my friends from Texas and Florida in seeing that this bill is passed this session.

Mrs. LINCOLN. Mr. President, I rise to join my colleagues in support of the ''States Rights Protection Act of 1999.'' I believe that states are entitled to retain the tobacco funds that were agreed upon under their settlement agreements.

These funds result from an historic accord reached in November 1998 between 46 states, U.S. Territories and commonwealths, the District of Columbia, and tobacco industry representatives. State Attorneys General worked diligently to initiate and negotiate a settlement with the tobacco industry. States are now in the midst of finalizing the settlement, carrying out the

terms of the settlement agreement and making fiscal decisions about how to apply settlement funds to public health and other needs.

Although the U.S. Department of Health and Human Services initially notified states in the fall of 1997 of its intention to recoup the federal match from funds states received through the suits, citing a provision in existing Medicaid law, it has suspended recoupment activities. For this reason, I join my Senate colleagues in introducing this legislation to prohibit the federal government from trying to recoup any funds from state governments recovered from tobacco companies as part of their tobacco settlement or from determining how these funds should be spent.

I strongly believe that each state should have the right to determine where this money is needed and how it is best spent. In my own state of Arkansas, Governor Mike Huckabee has reached an agreement with the Speaker of the Arkansas House of Representatives, Bob Johnson, the President Pro Tempore of the Arkansas Senate, Jay Bradford, and the Arkansas Attorney General, Mark Pryor, regarding the use of this money solely for health-related purposes. Specifically, the settlement funds will be used to prevent smoking by young people, to treat tobacco related illnesses, and to establish a foundation to provide for continued funding of these programs even when the tobacco settlement money expires. I'm proud that my home state of Arkansas will use these funds towards such valuable programs.

I support the Arkansas state government and all other state governments in retaining their tobacco settlement funds and exercising their authority to determine how the funds are spent.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

PRIVILEGE OF THE FLOOR

Mr. GRAHAM. Mr. President, I ask unanimous consent that Mr. Matt Barry of our staff be given floor privileges for the remainder of the consideration of this issue during this session of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. Thank you Mr. President.

Mr. President, I rise today along with Senator HUTCHISON and 21 original cosponsors—Republicans and Democrats—to introduce legislation designed to prevent the federal government from seizing the State settlement proceeds negotiated with the tobacco industry.

Just over 1 year has passed since the State of Florida received an ominous warning from the federal government which said in essence: ''Prepare to hand over half of your money or we will be prepared to withhold your Medicaid funds.''

This action was a slap in the face to States like Florida—a State which spent countless hours and millions of dollars preparing to wage war against the tobacco industry in court—with no guarantee of success and with no assistance from anyone—including the federal government. The State of Florida specifically asked the Federal Government to assist us, to join in a joint lawsuit. We the States will assume the responsibility of suing the tobacco industry for the Medicaid and other nonspecific medical program costs. The Federal Government will assume the responsibility for Medicare, the Veterans Administration, and other Federal health program costs. What was the response to that request for joint action? ''Not interested.''

In fact, only after it became clear that States were going to be successful in their lawsuits did the federal government become interested in the State settlements.

And so the Health Care Financing Administration sent collection notices to States based on a twisted reading of an obscure provision in Medicaid law—section 1903(D) of the Social Security Act.

Mr. President, I ask unanimous consent that a copy of a letter dated November 3, 1997, from Ms. Sally K. Richardson, Director, Center for Medicaid and State Operations to the State Medicaid director of each of the 50 States be printed in the RECORD immediately after my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. GRAHAM. Mr. President, the federal government is attempting to collect almost $19 billion over 5 years, and, presumably almost $100 billion over the 25 year settlement agreement period, based on a little known provision in Medicaid which was never intended to apply to a lawsuit of this magnitude or character.

The regulations interpreting the Statutory language of 1903(D) read as follows:

Subpart F—Refunding of Federal Share of Medicaid Overpayments to Providers

This Subpart Implements Section 1903(d)(2)(C) and (D) of the Act, which provides that a State has 60 days from discovery of an overpayment for Medicaid services to recover or attempt to recover the overpayment from the provider.

The regulation then goes on to define ''overpayment'': Overpayment means the amount paid by a Medicaid agency to a provider which is in excess of the amount that is allowable for services furnished under section 1902 of the act.

Mr. President, applying the provisions of this statute which was designed to collect overpayments paid by a Medicaid State agency to a provider, to attempt to apply this provision to the State tobacco lawsuits is absurd. This provision was intended and has been used to apply to billing errors made by providers.

As an example, if a State finds that a provider has over billed Medicaid, the State collects the overpayment, then remits the commensurate share back to the federal government.

Essentially, the federal government is stating that the revenues from the lawsuits should be interpreted as ''overpayments'' made to medical providers by state Medicaid agencies—that the services rendered by these providers to Medicaid beneficiaries should not have been rendered under the statute.

This logic is twisted and absurd.

The State lawsuits were not premised on a technical collections process—providers overbilling Medicaid. Rather, they were premised on the fact that the tobacco industry defrauded the taxpayer, violated the State civil racketeering statutes, and subjected the taxpayers to enormous smoking-related illness costs.

Further, as an example, Mr. President, the suit of the State of Iowa, which was premised on Medicaid, was thrown out of court, but Iowa is still 1 of the 46 States which will receive their share of the proceeds under the nationwide settlement.

How could the Federal Government lay any claim to Iowa's proceeds based on the overpayment provision in Medicaid since the court had specifically thrown out its suit based on Medicaid? The answer is, it cannot.

The legislation that Senator HUTCHISON and my colleagues are introducing today is simple. It clarifies that the overpayment provision does not apply to either the comprehensive settlement agreed to in November of 1998, nor does it apply to any of the State settlements agreed to prior to the comprehensive settlement.

Here is what the bill will do. It will prevent the Federal Government from stifling important bipartisan public health initiatives which will be paid for through the settlements.

In my State of Florida, for instance, our former colleague and good friend, Democratic Governor Lawton Chiles, provided health insurance to over 250,000 previously uninsured poor children. Just 2 weeks ago, Florida's new Governor, Republican Jeb Bush, announced the establishment of a $2 billion endowment fund which will be named in honor of Governor Chiles. This fund will assure that the tobacco funds will be used exclusively for children's health, child welfare, and seniors' health programs.

Mr. President, as you know, Florida is not unique. Other States will be just as innovative and be held to just as high standards of accountability by their citizens for the use of these tobacco settlement funds. It is important that States be given the green light to move forward on important public health initiatives and to do so as soon as possible. If we do not pass this legislation, funds that could otherwise be spent on improving America's health will be tied up in litigation between States and the Federal Government for the foreseeable future.

So I urge my colleagues to join us in this effort, to support this legislation,

and I urge that it be adopted by this Senate and by the Congress and signed by the President of the United States at the earliest possible date.

EXHIBIT 1

CENTER FOR MEDICAID AND
STATE OPERATIONS,
November 3, 1997.

DEAR STATE MEDICAID DIRECTOR: A number of States have settled suits against one or more tobacco companies to recoup costs incurred in treating tobacco-related illnesses. This letter describes the proper accounting and reporting for Federal Medicaid purposes of amounts received from such settlements that are subject to Section 1903(d) of the Social Security Act.

As described in the statute, States must allocate from the amount of any Medicaid-related expenditure recovery ''the pro-rata share to which the United States (Federal government) is equitably entitled.'' As with any recovery related to a Medicaid expenditure, payments received should be reported on the Quarterly Statement of Expenditures for the Medicaid Assistance Program (HCFA–64) for the quarter in which they are received. Specifically, these receipts should be reported on the Form HCFA–64 Summary Sheet, Line 9E. This line is reserved for special collections. The Federal share should be calculated using the current Federal Medicaid Assistance Percentage. Please note that settlement payments represent a credit applicable to the Medicaid program whether or not the monies are received directly by the State Medicaid agency. States that have previously reported receipts from tobacco litigation settlements must continue to report settlement payments as they are received.

State administrative costs incurred in pursuit of Medicaid cost recoveries from tobacco firms qualify for the normal 50 percent Federal financial participation (FFP). They should be reported on the Form HCFA–64.10, Line 14 (Other Financial Participation).

Only Medicaid-related expenditure recoveries are subject to the Federal share requirement. To the extent that some non-Medicaid expenditures and/or recoveries were also included in the underlying lawsuits, HCFA will accept a justifiable allocation reflecting the Medicaid portion of the recovery, as long as the State provides necessary documentation to support a proposed allocation.

Under current law, tobacco settlement recoveries must be treated like any other Medicaid recoveries. We recognize that Congress will consider the treatment of tobacco settlements in the context of any comprehensive tobacco legislation next year. Given the States' role in initiating tobacco lawsuits and in financing Medicaid programs, States will, of course, have an important voice in the development of such legislation, including the allocation of any resulting revenues. The Administration will work closely with States during this legislative process as these issues are decided.

If you would like to discuss the appropriate reporting of recoveries with HCFA, please call David McNally of my staff at (410) 786–3292 to arrange for a meeting or conversation. We look forward to providing any assistance needed in meeting a State's Medicaid obligation.

Sincerely,

SALLY K. RICHARDSON,
Director.

Mr. MCCONNELL. Mr. President, I rise today to join my esteemed colleagues—Senators HUTCHISON, GRAHAM, VOINOVICH, ABRAHAM, and others—in sponsoring legislation to protect the States' tobacco settlement funds from the Clinton Administration's spurious recoupment claims.

Members of the U.S. Senate will recall quite vividly that this chamber engaged in a lengthy, detailed debate on a national tobacco settlement bill last year. While those discussions proved inconclusive, the States—on their own—achieved much of what Congress and the White House identified as priorities through direct settlement agreements with the tobacco companies.

As part of the comprehensive settlement with 46 states and the prior individual State agreements, the tobacco companies are required to take specific action to address public health concerns regarding teen smoking. First, they must fund a major anti-smoking advertising campaign to prevent youth smoking and to educate consumers about tobacco-related illnesses. Second, they must establish a charitable foundation to support the study of programs to reduce teen smoking and substance abuse. Third, the settlement prohibits tobacco advertising that may target youth, like the commercial use of cartoon characters like ''Joe Camel'' and outdoor advertising such as billboard, stadium and transit ads as well as tobacco sponsorship of sporting and cultural events. In addition, the States have plans to spend their tobacco settlement funds for advancing the public health and welfare.

Much to the dismay of the nation's governors and state legislators, instead of receiving a commendation from the President for a job well done, they got a multi-billion dollar collection notice. Despite the fact that the States filed lawsuits asserting a number of non-Medicaid claims, the Clinton Administration argues that every state who agreed to the $206 billion settlement should fork over from 50 to 79 percent of their share to the federal government—including states like Kentucky who didn't even file a lawsuit but joined the settlement. As such, the President's FY 2000 budget states that the federal government has the right to withhold at least $16 billion Medicaid dollars from the States over the next five years.

Simply put, Mr. President, this bogus claim will deny Kentucky's most needy citizens over $2.4 billion in Medicaid funds over the term of the settlement agreement. I cannot excuse the fundamental conflict created by an Administration that claims it is fighting for the health of our children while it gobbles up the money specifically designated for them. This effort to hold state Medicaid programs hostage in exchange for federal strings on how the States spend their own money is intolerable and unacceptable.

Unlike the Administration, I believe all wisdom does not reside in Washington. It's clear to me that our state's elected officials are in a better position to determine Kentucky's needs than a federal bureaucrat sitting 600 miles away in Washington. I am proud to serve as an original sponsor to this legislation which makes clear that the federal government has no claim to the tobacco settlement funds attained by the States. I commend my fellow sponsors for their commitment to preserving common-sense in government, and urge my colleagues to approve this legislation expediently and without compromise.

Mr. MCCAIN. Mr. President, I am pleased to be a co-sponsor of the States' Rights Protection Act. This bill will ensure that the states retain the use of the settlement proceeds from the tobacco litigation settlement announced in November, 1998, as well as the prior settlements with Mississippi, Texas, Florida, and Minnesota. The bill will entitle the states to keep all of the money from the settlement, without federal recoupment of a Medicaid share.

I believe this is the right thing to do for several reasons. First, and foremost, the settlement was of litigation initiated and pursued by the states. The President announced in his State of the Union address that the Department of Justice will be filing an action on behalf of the United States against the tobacco companies. This is the right way for federal claims to be addressed, rather than taking this hard-fought, negotiated money from the states.

Second, not all of the states raised Medicaid claims in their lawsuits. The courts dismissed the Medicaid claims in other cases. Thus, in some states, the federal government is not truly entitled to share in the settlement proceeds. Allowing recoupment from some of the states, but not all of the states, will lead to disparate and unfair results.

Finally, federal and state governments alike share in the goal of addressing public health needs. It is not necessary that this goal only be accomplished through federally mandated programs. The states' settlement also includes funding for counter-advertising and cessation efforts. These efforts may be complemented by federal programs, but do not need to be duplicated simply to give the federal government an excuse to spend money. In addition, many states have other existing public health programs related to tobacco use or children's health on the books. The federal government does not need to attempt to duplicate those programs through federal mandates. Most importantly, I am confident that the state will spend their settlement money wisely and in the best interests of their citizens. These decisions are best reached through discussion and consensus reached at the state and local levels.

I regret that Congress was unwilling to accept the opportunity presented to us with the 1997 proposed settlement agreement. Comprehensive legislation would have benefited the nation by addressing kids smoking and limiting the excessive attorney's fees paid in these cases. Nevertheless, I applaud the Attorneys General for reaching settlement of their litigation and for the

public health advances they have made in the settlement agreement. They have ensured a win for every state, without years of litigation and varied results. They have ensured an end to Joe Camel on billbroads throughout the country. They have established a mechanism to police advertising. They have achieved more in this joint settlement than any one state could have achieved alone with a court verdict.

I thank my colleague, Senator HUTCHISON, for introducing this bill, and am pleased to join with so many other distinguished friends in sponsoring this important piece of states' rights legislation.

Mr. LEAHY. Mr. President, I am pleased to join Senator HUTCHISON and Senator GRAHAM and a bipartisan group of my colleagues to introduce legislation to prohibit the Federal government from recouping any part of the multi-state settlement between the tobacco industry and the State Attorneys General.

To the surprise of many state officials, the Health Care Financing Administration has threatened to seek reimbursement for its share of Medicaid costs for treating tobacco-related diseases from the multi-state tobacco settlement. In other words, the Federal government may want to take more than half of the total multi-state settlement based on the federal share of Medicaid, which is approximately 60 percent of total Medicaid costs.

For my home State of Vermont, that means the Federal government may try to take more than $15 million annually out of Vermont's share of the settlement. Vermont Attorney General William Sorrell settled with the tobacco industry for more than $800 million to be distributed over the next 25 years. But now the Federal government may seek more than $400 million of Vermont's tobacco settlement for its own use.

Washington State Attorney General Christine Gregoire, one of the lead attorneys generals in the settlement negotiations with the tobacco industry, recently stated: ''These lawsuits were brought by the States based on violations by the industry of state laws. The settlement was won by the states without any assistance from Congress or the Administration. As far as we are concerned the States did all the work and are entitled to every dollar of their allocated share to invest in the future health care of their citizens.'' I could not agree more with General Gregoire.

The States, not the Federal government, deserve the full amount of their settlements because the States and their Attorneys General took the risks in bringing the novel lawsuits against Big Tobacco. Without the willingness of the State Attorneys General acting on behalf of the citizens of their states and taking significant financial and professional risks and pursuing these matters so diligently, we would not have any legal settlements by the tobacco industry. These State Attorneys General deserve our gratitude and our respect for their extraordinary efforts. I commend them all for their diligence on behalf of the public.

When tobacco companies were fighting any and all lawsuits against them, the State Attorneys General pursued their legal challenges against great odds. Men and women whose lives were cut short by cancer and other adverse health consequences from tobacco deserved better treatment than the years of obstruction and denial by the tobacco industry. Only now as the internal documents are being disclosed and the legal tide is beginning to turn have tobacco companies decided to change their strategy and pursue settlements. The tobacco industry did not agreed to these settlements out of some new found sense of public duty. The truth is that giant tobacco corporations came to the bargaining table only after they realized that they might lose in court.

In my home state, General Sorrell took the financial and legal risks in bringing suit against the tobacco industry on behalf of the people of Vermont. General Sorrell and his legal team put together a powerful case in support of the public health of all Vermonters. General Sorrell did this without any assistance from the Federal government. As a result, the people of Vermont deserve the full amount of their tobacco settlement.

If the Federal government wants to recover its costs for tobacco-related diseases, the appropriate avenue to do that is a Federal lawsuit. Indeed, President Clinton announced during the recent State Of The Union address that the Department of Justice is planning litigation against the tobacco industry. I applaud the President and Attorney General Reno for pursuing legal action against the tobacco industry so that the Federal government may recoup its costs for tobacco-related diseases. That is the proper approach for the Federal government.

The multi-state tobacco settlement provides an historic opportunity to improve the public health in Vermont and across the nation. I believe that the States, not the Federal government, are in the best position to determine their public health needs. Our bipartisan bill grants the States that flexibility by permitting each state to use its settlement payments in whatever way that state deems best.

That is why the National Governors Association, National Association of Attorneys General, National Conference of State Legislatures, National Association of Counties, National League of Cities, and U.S. Conference of Mayors support our bipartisan legislation. In my home state, our bipartisan bill is supported by Governor Dean, Attorney General Sorrell, the Vermont Health Access Oversight Committee, and the Vermont Association of Hospitals and Health Systems.

I want Governor Dean and the Vermont legislature to have the flexibility to use Vermont's settlement funds in whatever way they deem is best for the public health of Vermonters. It is only fair for the other 49 Governors and state legislatures to have that same flexibility to use their settlement funds in whatever way they deem is best for their citizens.

In the final analysis, I trust the people of Vermont and the other 49 States to determine how best to use their tobacco settlement funds. I look forward to working with my colleagues as Congress moves forward on legislation to ensure that the interests of Vermont and the other States are protected in the multi-state tobacco settlement.

Mr. BAYH. Mr. President, I rise today as an original cosponsor of the State tobacco settlement protection bill, a bill to protect state tobacco settlement funds from seizure by the federal government. I want to thank Senators HUTCHISON and GRAHAM for their leadership on this issue. I stand today for fiscal responsibility, local control and fairness. I stand today to protect our children's health, to assist those who have become addicted to tobacco.

This is really about fairness. Is it fair for the federal government, having sat on the sidelines during this uphill battle against Big Tobacco, to come in after the fact and claim a large share of the victory? If nothing else, this proves the old adage that victory has many parents, while defeat is an orphan.

I have said repeatedly that the federal government does not have all the answers. Much of what has gone right in this country in the last several years is a direct result of moving decisions and power out of this city and into small towns and communities. I came to Washington to stand up for what is right, to protect Indiana's values, and to speak up when the federal government oversteps its bounds.

Does the federal government have a right to take more than 60% of Indiana's tobacco settlement to spend on federal priorities? Absolutely not. Indiana's share of the settlement is $4 billion over 25 years, but the federal government's claim could take two and a half billion away. While the President's budget acknowledges the difficulty in collecting this money in the coming fiscal year, I am disappointed they have laid claim to a substantial share of state settlement funds in their budget for use on federal discretionary programs in years to come. The fiscally responsible approach is to ensure this money is spent wisely at the local level, not to allow it to be dumped into the black pit of the federal bureaucracy in Washington.

Indiana began this fight to protect our kids from the dangers of an addictive, life-threatening habit. The State fought a lonely battle, without any federal assistance and invested considerable resources in prosecuting this case.

The Governor of Indiana, Frank O'Bannon, is in the planning stages for using this money to improve public health, promote teen smoking cessation programs and children's health

care, the purposes originally outlined in the lawsuit. But with more than 60% of the funds at risk it is hard to sketch out a reliable plan.

The confrontation between states and the federal government that would result from an attempt by the Health Care Financing Administration to take these state settlement funds would only hurt the people in each of our states. It would tie us up in needless court actions over who has the legal right to these funds. That is wasted time. While the courts decide what to do with the funds, we lose the opportunity to cover uninsured children, start anti-smoking campaigns and improve the lives of Hoosiers and the people in all our states.

Mr. President, I hope all my colleagues become a part of this bipartisan coalition. I hope we can all—Democrats and Republicans, States and the federal government—work together to ensure these funds are used in the states to improve health, deter smoking and educate kids about the dangers of this addiction. I look forward to working to pass this very important legislation this year.

By Mr. GRAMS:

S. 347. A bill to redesignate the Boundary Waters Canoe Area Wilderness, Minnesota, as the ''Hubert H. Humphrey Boundary Waters Canoe Area Wilderness''; to the Committee on Energy and Natural Resources.

HUBERT H. HUMPHREY BOUNDARY WATERS CANOE AREA WILDERNESS

Mr. GRAMS. Mr. President, I rise today to introduce legislation to rename the Boundary Waters Canoe Area Wilderness (BWCA) in Minnesota and in doing so, salute the father of our Nation's wilderness system, the late Senator from Minnesota and Vice President, Hubert H. Humphrey. My bill would redesignate the BWCA as ''The Hubert Humphrey Boundary Waters Canoe Area Wilderness.''

Mr. President, my home state is known for a number of things uniquely Minnesotan. If you've seen the movie ''Grumpy Old Men'' you're aware of our love of ice fishing. If you've flown into Minneapolis, you've seen the Mall of America. If you watched the national weather maps, you've seen our bonechilling winter temperatures. And our new Governor—well, we are proud to say that he is uniquely Minnesotan as well. But if you've ever visited one of our Nation's wilderness areas, you would not necessarily have realized that its creation was due in large part to another uniquely Minnesotan individual, Senator Hubert H. Humphrey.

In the early 1960s, right here in these halls and in this Chamber, then-Senator Humphrey lead the charge in helping Congress recognize the wisdom of creating a wilderness preservation system in the United States. Senator Humphrey, as a member of the Senate Committee on Agriculture and Forestry, authored the 1964 Wilderness Preservation Act, and by doing so, created the BWCA. Many in our state feel that if it weren't for Senator Humphrey's tireless commitment, there would be no wilderness system and no BWCA. Senator Humphrey worked closely with the people of Northern Minnesota to win their trust and gain their acceptance of a federally designated wilderness area—one that would surely change the way they recreated and the way they lived. In fact, Senator Humphrey's legislation was very controversial and took several years to complete. Last year's passage of legislation to restore two motorized portages in the BWCA was consistent with both Senator Humphrey's vision for the BWCA and his promises to the people of northern Minnesota. Through his dedication and willingness to address the concerns of everyone, we now have a wilderness system that is the envy of the world.

Through Senator Humphrey's hard work and dedication to the National Wilderness Preservation System, Americans today have countless protected wilderness areas throughout this country in which they can experience nature as it was 50, 75, or 100 years ago, knowing with certainty that these precious areas will be left intact for generations to come.

Senator Humphrey's vision endures to this very day, and Minnesotans are proud to claim the BWCA, one of the nation's true national treasures, as our own. Boy Scouts wait every year for their trip into the Boundary Waters. Families know that every summer they can get away from their jobs, their studies, their cars and their phone, and enjoy at least a few days of peace and quiet. And elderly folks know that their favorite fishing hole is still a fishing hole and still accessible for them and their grandchildren.

Like Paul Bunyan, lutefisk, and our State Fair, the Boundary Waters is something uniquely Minnesotan and uniquely identifiable as our own across the country. It is for that reason that I believe it should bear the name of the father of the Wilderness system and be redesignated, ''The Hubert H. Humphrey Boundary Waters Canoe Area Wilderness.''

By Mr. HAGEL (for himself and Mr. REED):

S. 349. A bill to allow depository institutions to offer negotiable order of withdrawal accounts to all businesses, to repeal the prohibition on the payment of interest on demand deposits, and for other purposes, to the Committee on Banking, Housing, and Urban Affairs.

THE SMALL BUSINESS BANKING ACT OF 1999

Mr. HAGEL. Mr. President, I rise today to introduce the Small Business Banking Act of 1999. I am again joined in the effort by my distinguished colleague Senator REED of Rhode Island, who is the principal cosponsor of this important legislation.

We originally introduced this legislation during the last Congress. This legislation was incorporated into a more comprehensive financial regulatory relief bill that was unanimously reported out of the Senate Committee on Banking, Housing, and Urban Affairs. We fully expect it will be enacted into law during this Congress.

Passage of this bill will remove one of the last vestiges of an obsolete interest rate control system. Abolishing the statutory requirement that prohibits incorporated businesses from owning interest bearing checking accounts will provide America's small business owners, farmers, and farm cooperatives with a funds management tool that is long overdue.

Passage of this bill will ensure America's entrepreneurs can compete effectively with larger businesses. My experience as a businessman has shown me, firsthand, that it's extremely important for anyone trying to maximize profits to be able to invest funds wisely for maximum efficiencies. Let me quote from a December, 1997 letter I received from a constituent, Mary Jo Bousek. Mary Jo owns a commercial property company. She writes:

''I was very pleased to see that you sponsored a bill to allow banks to pay interest on checking accounts for partnerships and corporations. When we changed our rental properties from a sole proprietorship to a Limited Liability Company, we suddenly began losing about $1500 a year in interest on our bank account. This seems totally unreasonable and unfair.''

Mary Jo is right. It is unfair.

During President Ronald Reagan's first term, one of his early actions was to abolish many provisions of the antiquated interest rate control system the banking system was required to use. With this change to the laws, Americans were finally able to earn interest on their checking accounts deposited in banks. Unfortunately, one aspect of the old system left untouched by the change in law was not allowing America's businesses to share in the good fortune.

Complicating matters is the growing impact of nonbanking institutions that offer deposit-like money accounts to individuals and corporations alike. Large brokerage firms have long offered interest on deposit accounts they maintain for their customers. This places these firms at an advantage over community banks that can't offer their corporate customers interest on their checking accounts.

While I support business innovation, I don't believe it's fair when any business gains a competitive edge over another due to government interference through overregulation. This is exactly the case we have with banking laws that stifle bankers, especially America's small community bankers, and give an edge to another segment of the financial community. The Small Business Banking Act of 1999 seeks to correct this imbalance and allow community banks to compete fairly with brokerage firms.

I'm pleased to say our bill has the strong support of America's Community Bankers, the National Federation

of Independent Businesses, the U.S. Chamber of Commerce, and the American Farm Bureau Federation. This bill has the support of many of the banks, thrifts, and small businesses in my home state of Nebraska. These important organizations represent a cross-current of the type of support Senator REED and I have for our bill. Senator REED and I also have the support of the Federal banking regulators. In their 1996 Joint Report, ''Streamlining of Regulatory Requirements'', the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Office of the Comptroller of the Currency, and the Office of Thrift Supervision, stated they believe the statutory prohibition against payment of interest on business checking accounts no longer serves a public purpose. I heartily agree.

Mr. President, this is a straightforward bill that will do away with an unnecessary regulation that burdens American business. I urge my colleagues to support it.

Mr. REED. Mr. President, I am pleased to join my colleague Senator HAGEL in introducing the Small Business Banking Act of 1999, legislation that eliminates a Depression-era federal law prohibiting banks from paying interest on commercial checking accounts. Last year, I cosponsored a similar bill with Senator HAGEL that was incorporated into a financial institutions regulatory relief bill which passed the Banking Committee.

The prohibition against the payment of interest on commercial accounts was originally part of a broad prohibition on the payment of interest on any deposit account. At the time of enactment in 1933, it was the popular view that payment of interest on deposits created an incentive for rural banks to shift excess deposits to urban money center banks which made loans that fueled speculation. Moreover, it was believed that such transfers created liquidity crises in rural communities. However, a number of changes in the banking system since enactment of the prohibition have called into question its usefulness.

First, with the passage of the Depository Institutions Deregulatory and Monetary Control Act of 1980, Congress allowed financial institutions to offer interest-bearing accounts to individuals—a change which has not adversely affected safety and soundness. Second, many banks have developed complex mechanisms called sweep accounts to circumvent the interest rate prohibition. Because of the costs associated with developing sweep accounts, large banks have become the primary offerors of these accounts. As a result, many smaller banks are at a competitive disadvantage with larger banks which can offer their commercial depositors interest-bearing accounts. Most importantly, the vast majority of small businesses cannot afford to utilize sweep accounts because the cost of opening these accounts is relatively high and most small businesses do not have a large enough deposit base to justify the administrative costs.

In light of these developments, it has become clear that the prohibition on interest-bearing commercial accounts is nothing more than a relic of the Depression-era that has effectively disadvantaged small businesses and small banks, and led large banks to dedicate significant resources to circumventing the prohibition. I am, therefore, pleased to cosponsor this legislation that will eliminate this prohibition and level the playing field for small banks and small business.

Mr. President, as we move into a new millennium, I think it appropriate that we eliminate this vestige of the early twentieth century that is no longer useful and is indeed burdensome.

By Mrs. HUTCHISON:

S. 350. A bill to amend title 10, United States Code, to improve the health care benefits under the TRICARE program and otherwise improve that program, and for other purposes; to the Committee on Armed Services.

THE MILITARY HEALTH CARE IMPROVEMENT ACT OF 1999

Mrs. HUTCHISON. Mr. President, today I am introducing the Military Health Care Improvement Act of 1999. This bill is a first step to reform the military health care system known as TRICARE. We are trying to recruit and retain the best people for our nation's military. To do this, we must pay them better, maintain good retirement benefits and improve the health care we provide them and their families.

Mr. President, there is a growing perception among active duty military, their dependents and military retirees that the military health care benefit is no longer much of a benefit. We have not done a very good job of keeping the promise the government made to military personnel: That in return for their service and sacrifices, the government will provide health care to active-duty members and their families even after they retire. In the past 10 years, the military has downsized by over one-third, and the military health care system has downsized by one-third as well. While hospitals have been closed as a result of BRAC or downsized in the past decade, the number of personnel that rely on the military and the military health care system has remained constant. Today, our armed forces have more married service members with families than ever before. In addition, those who have served and are now retired were promised quality health care as well.

In place of the promise, these individuals and families have been given, instead, a system called ''TRICARE.'' TRICARE is not health care coverage, but a health care delivery system that provides varying levels of benefits depending largely on where a member of the military or a retiree lives.

Unfortunately, what we find is that the TRICARE program often provides spotty coverage. My offices and those offices of my colleagues in the Senate no doubt have received thousands of complaints regarding access to care, unpaid bills, inadequate providers and difficulties with claims.

For their part, the doctors who participate in TRICARE complain about a host of administrative problems including delayed payments and a very cumbersome claims process. Many doctors have simply left the program, and in some locations, there are simply no providers at all in certain specialties. This is unacceptable.

Mr. President, I am introducing this bill to improve the health care benefits under the TRICARE program by ensuring that the health care and dental coverage available under TRICARE is substantially similar to the health care coverage and dental care coverage available under the Federal Employees Health Benefits program. This bill will:

Raise reimbursement levels for TRICARE, the military health-care delivery system, to attract and retain more participating doctors to the program.

Expedite and reduce the costs of TRICARE claims processing, which has been a thorn in the side of both beneficiaries and providers.

Require portability of benefits between regions. This would make it easier for military personnel and their families to receive health care benefits when they travel to different regions.

Minimize the cumbersome pre-authorization requirements for access to care.

Mr. President. This bill will help break down the bureaucracy that exists in the current system. There is no single solution to this problem, but we must begin now to ensure we honor our commitments. This is a critical issue to recruiting and retaining qualified people in the military—which is critical to the security of our country.

I am pleased to be joined in this effort by Senators ALLARD and HAGEL and look forward to working with my colleagues to keep the promise and improve the military health care system.

By Mr. GRAMS (for himself, Mr. JOHNSON, Mr. SESSIONS, and Mr. BENNETT):

S. 351. A bill to provide that certain Federal property shall be made available to States for State and local organization use before being made available to other entities, and for other purposes; to the Committee on the Judiciary.

TAXPAYER OVERSIGHT OF SURPLUS PROPERTY ACT

Mr. GRAMS. Mr. President, I rise today to introduce the Taxpayer Oversight of Surplus Property Act. I am pleased that Congressman JOHN PETERSON of Pennsylvania will soon introduce companion legislation in the House of Representatives.

Among the many programs administered by hundreds of federal agencies, there are some initiatives that depend

upon the active involvement of both the federal government and the states in order to ensure the wisest use of taxpayer dollars and meet the needs of the American people. One such effective partnership involves the distribution of federal surplus personal property to states and local organizations.

In 1976, President Ford signed legislation which established the current system for the fair and equitable donation of federal surplus personal property. Personal property declared ''surplus'' consists of items other than land or real property, naval vessels, and records of the federal government. This includes office supplies, furniture, medical supplies, hardware, motor vehicles, boats, airplanes, and construction equipment.

Under the federal personal property utilization and donation program, the General Services Administration is responsible for the transfer of federal surplus personal property to the states. Each state agency for surplus property receives the transfer of property and distributes these items to eligible recipients. Property that is not selected by the states is offered for sale to the general public. Importantly, the interests of the American taxpayers guide this entire process.

Mr. President, there are close to 70,000 recipients of federal surplus property located throughout the United States. Each day, cities, counties, Indian tribes, hospitals, schools, and public safety agencies are among the public and nonprofit organizations that look toward the state agencies for surplus property to help meet their needs.

Last April, I had the opportunity to visit the Minnesota surplus property agency, where I was joined by the lieutenant governor, the executive director of the Minnesota Sheriffs Association, and the commissioner of the state Department of Corrections. While there, I quickly became more familiar with the success of the donation program throughout Minnesota. I am very confident that my Senate colleagues will find that the donation program has achieved a comparable level of success in each of their states.

In fiscal year 1997, the Minnesota surplus property agency donated equipment and supplies with an original federal acquisition cost of $7.7 million to 1,700 eligible recipients, saving precious tax dollars if these items had been purchased new or on the open market. I was impressed to learn that 414 cities, 80 medical institutions, 19 museums, 237 public schools, 110 county entities, 160 State agencies, and 353 townships are among the active participants in the donation program.

Equally impressive is how effectively the state agencies for surplus property and the GSA have worked together to respond quickly and efficiently during times of natural disasters. Together they have successfully identified and transported sandbags, blankets, cots, tools, trucks and other items to disaster sites. I know that Minnesotans who suffered through the 1997 Midwest floods are gratified to have received over $3.7 million worth of federal surplus property to assist flood relief efforts during that horrible time.

Quite simply, the donation program has provided taxpayers with the equipment, supplies and material used to educate our children, maintain roads and streets, keep utility rates reasonable, train the workers of tomorrow, protect families from crime, provide needed relief during natural disasters, and treat the health of our nation's sick and needy. In fact, the original acquisition value of property distributed through the state agencies for surplus property totaled over $1.5 billion between fiscal years 1995 through 1997.

Because of the importance my constituents place upon the availability of this property, I am very concerned about current programs which limit the donation of property to the states. My concern is based in part upon comments expressed to me by constituents such as Mayor Richard Nelson of Warren, Minnesota.

Mayor Nelson recently wrote,

> When we inquired about the shortage of heavy equipment we were told that a large majority of that equipment is shipped overseas to other countries for humanitarian aid. I feel that our taxes paid for this equipment and it seems only fair that we should have the first opportunity to benefit from it. Being the mayor of a community that has suffered from four floods within two years, I believe that we have unmet needs in this country that need to be addressed before we can look at any outside interests.

Mr. President, Mayor Nelson's concerns go to the heart of the legislation that I am introducing today. I believe that the volume of distributed federal surplus property would increase if the intent of Congress when it passed the 1976 reforms was more closely followed.

If Congress continues to allow surplus federal property to go abroad, or not make its way through proper channels to eligible recipients, taxpayers such as those in the community of Warren will stand to lose. As someone who has always worked to ensure the wisest possible use of taxpayer dollars, this gives me great concern. The legislation I am introducing will help to address these concerns through the following provisions.

First, this measure would ensure that when distributing surplus federal personal property, domestic needs are met before we consider foreign interests. It would, however, grant the President the authority to make supplies available for humanitarian relief purposes before going to the states, in the case of emergencies or natural disasters.

Under the Humanitarian Assistance Program (HAP), the Secretary of Defense is permitted to make nonlethal Department of Defense supplies available by the State Department to foreign countries as part of humanitarian relief activities. I was disturbed to learn that over $1 billion worth of excess supplies was made available to the State Department between fiscal years 1987 through 1997 before GSA had been given an opportunity to review the property and make it available for donation to the states.

Mr. President, I understand that some officials may argue that the Humanitarian Assistance Program is an important part of our nation's foreign assistance efforts. Many foreign countries and organizations clearly have benefited from nonlethal Department of Defense excess property finance by American taxpayers. Although I have serious concerns about this initiative, my legislation does not eliminate the Humanitarian Assistance Program.

However, I believe we must prioritize the needs of disaster victims in Minnesota, rural hospitals in Arkansas, police departments in Washington state, school districts in Idaho, homeless assistance providers in Florida, and other communities and organizations which have invested their tax dollars in government property and the donation program. For these reasons, I oppose the continued priority status granted to foreign recipients under programs such as the Humanitarian Assistance Program.

Second, my bill would amend the Foreign Assistance Act of 1961 to prohibit the transfer of Government-owned excess property to foreign countries or international organizations for environmental protection activities in foreign countries unless GSA determined that there is no federal or state use for the property.

Third, this legislation would require GSA to report to Congress on the effectiveness of all statutes relating to the disposal and donation of personal property and recommend any changes that would further improve the Donation Program.

Mr. President, my bill is based on the principle that eligible recipients should be able to maximize their tax dollars through expendable federal property that meets their needs. It takes an important step toward stopping publicly-owned property from being shipped abroad and given to other organizations before it is distributed through each state agency for surplus property.

My legislation will fulfill the public's right to know how and where their tax dollars are being spent. In many ways, it will serve as the second phase of the reforms overwhelmingly passed by Congress in 1976, by preserving the active role of states in the handling and distribution of surplus federal property.

Members of Congress and state and local officials all have an obligation to see that the government distributes this property fairly and equitably, ensuring accountability to the taxpayers. Too often, federal agencies forget that the owners of this property are the American people—the federal government is merely its public custodian.

Mr. President, the best interests of America's taxpayers have always been at the top of my agenda. I look forward to improving Congressional oversight

of government property and securing passage of this legislation during the 106th Congress.

By Mr. THOMAS (for himself, Mr. NICKLES, Mr. CRAIG, Mr. HELMS, Mr. CRAPO, Mr. GRAMS, and Mr. ENZI):

S. 352. A bill to amend the National Environmental Policy Act of 1969 to require that Federal agencies consult with State agencies and county and local governments on environmental impact statements; to the Committee on Environmental and Public Works.

STATE AND LOCAL GOVERNMENT PARTICIPATION ACT OF 1999

Mr. THOMAS. Mr. President, I rise today, along with Senators NICKLES, CRAIG, HELMS, CRAPO, GRAMS, and ENZI, to introduce the State and Local Government Participation Act of 1999 which would amend the National Environmental Policy Act (NEPA). This bill is designed to guarantee that federal agencies identify state, county and local governments as cooperating agencies when fulfilling their environmental planning responsibilities under NEPA.

NEPA was designed to ensure that the environmental impacts of a proposed federal action are considered and minimized by the federal agency taking that action. It was supposed to provide for adequate public participation in the decision making process on these federal activities and document an agency's final conclusions with respect to the proposed action.

Although this sounds simple and quite reasonable, NEPA has become a real problem in Wyoming and many states throughout the nation. A statute that was supposed to provide for additional public input in the federal land management process has instead become an unworkable and cumbersome law. Instead of clarifying and expediting the public planning process on federal lands, NEPA now serves to delay action and shut-out local governments that depend on the proper use of these federal lands for their existence.

The State and Local Government Participation Act is designed to provide for greater input from state and local governments in the NEPA process. This measure would simply guarantee that state, county and local agencies be identified as cooperating entities when preparing land management plans under NEPA. Although the law already provides for voluntary inclusion of state and local entities in the planning process, to often, the federal agencies choose to ignore local governments when preparing planning documents under NEPA. Unfortunately, many federal agencies have become so engrossed in examining every environmental aspect of a proposed action on federal land, they have forgotten to consult with the folks who actually live near and depend on these areas for their economic survival.

Mr. President, states and local communities must be consulted and included when proposed actions are being taken on federal lands in their state. Too often, federal land managers are more concerned about the comments of environmental organizations located in Washington, D.C. or New York City than the people who actually live in the state where the proposed action will take place. This is wrong. The concerns, comments and input of state and local communities is vital for the proper management of federal lands in the West. The State and Local Government Participation Act of 1999 will begin to address this troubling problem and guarantee that local folks will be involved in proposed decision that will affect their lives.

Mr. CRAIG. Mr. President, I join my colleagues today in introducing the State and Local Government Participation Act.

This legislation would amend the National Environmental Policy Act (NEPA) to provide the opportunity for State, local, and county agencies to participate in land management decisions by identifying them as cooperating agencies in the NEPA process.

NEPA was passed in 1969 to, among other things, ''declare a national policy which will encourage harmony between man and his environment.'' I support the intent of NEPA, to protect our public resources from environmental degradation. However, in the last twenty years, the NEPA process has become a very time consuming and cumbersome public process. In almost every instance, an Environmental Impact Statement or Environmental Assessment must be completed under NEPA before any action can take place on the public lands.

My state, Idaho, is 63 percent federal land, and management of those lands is of vital importance, especially to the communities that are economically dependent on the public lands. In far too many instances, land management decisions are being made without allowing those most affected by a land management decision or in many cases, those most knowledgeable about the resource, to play a meaningful role in the NEPA process.

In the Pacific Northwest, the Forest Service and the Bureau of Land Management are currently working on a comprehensive ecosystem management plan for the Columbia River Basin, the Interior Columbia Basin Ecosystem Management Plan (ICBEMP). This plan, in the form of a draft EIS, has been in the works for four years at an expense of more than $40 Million. County governments and state officials in my state feel alienated by the process to date. The situation has gotten so bad that in last year's omnibus appropriations act, I worked to have report language encouraging the administration to include affected state and county governments in this process as cooperating agencies.

I would submit that every western Senator has at least one horror story involving a public land managing agency that ran roughshod over the local government in the NEPA process. Rather than legislating that Federal agencies must work with the local governments on a case-by-case basis, this bill would provide the opportunity to fix a problem that has arisen with the original NEPA legislation.

Mr. GRAMS. Mr. President, I rise today in support of the State and Local Government Participation Act of 1999. I would like to thank Senator THOMAS for introducing this simple, but very important piece of legislation.

As Senator THOMAS said in his introductory remarks, this legislation would make state and county governments ''cooperating agencies'' in the National Environmental Policy Act process. For example, when the Forest Service decides to undertake a timber sale, it will have to by law consult and obtain the input of state and county governments during the NEPA process. Current law, however, only requires the federal government to consult with other federal agencies.

The underlying concept of this legislation is something most people would assume already takes place. Average Americans assume that the federal government considers state and local governments partners in all land-use and environmental decisions. After all, it is an established fact that local citizens and officials can best meet local problems with local solutions. And in those matters, people expect the federal government to help out where needed and take the lead where appropriate. But average Americans, unfortunately, often aren't aware of the complete picture.

Too often, the federal government adopts its ''I know best'' philosophy and ignores the input of local officials or even excludes them from the decision making process. One of the first things locally elected officials in the northern part of my state—an area which deals with the National Environmental Policy Act regularly—say to me when we sit down to talk is that the federal government doesn't care about their needs. They feel the federal government, be it the Forest Service, Park Service, or EPA, just doesn't seem to realize that counties are having a tough time making ends meet and providing basic services to its residents in an era of increased land-regulation and decreased logging, mining, and access. And when they show you the numbers and make their case, it is impossible to disagree with them.

There are a number of counties in northern Minnesota which are predominantly federally owned. St. Louis County is 62 percent federally owned, Cook County is 82 percent federally owned, and Lake County is 92 percent federally owned. They are home to the Superior National Forest and the Boundary Waters Canoe Area Wilderness. Not far away is Voyageurs National Park and not far from that is the Chippewa National Forest. Not surprisingly, they are often placed in the

middle of many disputes over land-uses. They continue to see their PILT payments funded at barely 50 percent of authorized amounts. They continue to witness more and more restrictions on the use of lands within their counties and the Forest Services declining timber sales. And they continue to see their populations declining as a result of lost economic opportunities. They deserve to be heard when the federal government is going to take actions in their communities.

Mr. President, it is clear that in the last half of this century power has shifted from our nation's cities and states to Washington, DC. No one disputes that. And while many of us would like to see that shift back the other way, it may take some time to get it done. But what we should all be able to agree upon, is that locally elected officials should have a seat at the table and should be treated as equals and as partners by federal agencies. They know what is happening on their land and they know the people who will be impacted by changes in the law. They also know what the impact will be on a county or state budget. But most importantly, Mr. President, county and state officials are closer to the people. Their phone numbers are actually in the phone book and they aren't a long distance call away. They answer their door when someone comes knocking. And they aren't a bureaucrat hidden away in Washington, DC, making one size fits all policy decisions.

As I stated earlier, I think those people deserve a role in the NEPA process and I think the American people would agree. I urge my colleagues to protect their state and local government's right to participate by supporting this important piece of legislation.

By Mr. GRASSLEY (for himself, Mr. KOHL, and Mr. THURMOND):

S. 353. A bill to provide for class action reform, and for other purposes; to the Committee on the Judiciary.

THE CLASS ACTION FAIRNESS ACT OF 1999

Mr. GRASSLEY. Mr. President, I rise today to introduce, along with Senators KOHL and THURMOND, the Class Action Fairness Act of 1999, a bill that will help curb class action lawsuit abuse. Last year, Senator KOHL and I introduced the Class Action Fairness Act of 1998, S. 2083. That bill was marked up in the Administrative Oversight and the Courts Subcommittee on September 10, 1998, and we favorably voted out of subcommittee a substitute amendment to the bill. Unfortunately, this legislation was not considered further by the Senate because of the press of other legislative business scheduled before the full Judiciary Committee.

We are now reintroducing the substitute amendment to last year's class action bill, with minor modifications, as the Class Action Fairness Act of 1999. This modest bill will go a long way toward ending class action lawsuit abuses where the plaintiffs receive very little and their lawyers receive a whole lot. This bill will preserve class action lawsuits as an important tool that brings representation to the unrepresented and result in important discrimination and consumer decisions.

In October 1997, my Judiciary Subcommittee held a hearing on the problem of certain class action lawsuit settlements. I found one example of class action lawsuit abuse to be particularly disturbing. In an antitrust case settled in the Northern District of Illinois in 1993, the plaintiff class alleged that multiple domestic airlines participated in price-fixing, which resulted in plaintiffs paying more for airline tickets than they otherwise would have had to pay.

In the settlement, all of the class plaintiffs were awarded a book of coupons which could be used toward the purchase of future airline tickets. These coupons varied in amount and number, based on how many plane tickets a particular plaintiff had purchased. The catch was that the plaintiff still had to pay for most of any new airline ticket out of his or her own pocket. This meant that only $10 worth of coupons could be used toward the purchase of a $100 ticket; up to $25 worth of coupons for a $250 ticket; up to $50 worth of coupons for a $500 ticket, and so on. In addition, these coupons could not be used on certain blackout dates, which appeared to include all holidays and peak travel times.

Interestingly enough, the attorneys did not get paid with these coupon books. Rather, the attorneys were paid cash—$16 million in cash. Now, if the coupons were good enough for their clients—the people that actually got ripped off—I wonder why those same coupons were not good enough for their lawyers.

Another example of an egregious class action lawsuit settlement was highlighted at the subcommittee hearing. Mrs. Martha Preston was a member of the plaintiff class in the case Hoffman versus Banc Boston, where some plaintiffs received under $10 each in compensation for their injuries, yet were docked from $75 to $90 for attorneys' fees. This means that attorneys who were supposed to be representing these people's best interests, agreed to a settlement that cost some of the plaintiffs more money than they received in compensation for being wronged.

These class action lawsuit abuses happen for a number of reasons. One reasons is that plaintiffs' lawyers negotiate their own fees as part of the settlement. This can result in distracting lawyers from focusing on their client's needs, and settling or refusing to settle based on the amount of their own compensation.

During our hearing, evidence was presented that at least one group of plaintiffs' lawyers meets on a regular basis to discuss initiating class action lawsuits. They scan the Federal Register and other publications to get ideas for lawsuits, and only after they have identified a wrong, do they find clients for their lawsuits. Instead of having clients who complain of harms going to hire attorneys, these attorneys find the harms first and then recruit potential clients with the promise of compensation.

On the other hand, the defendants do not always have clean hands. Plaintiffs' lawyers say that they are approached by lawyers from large corporations who urge them to find a class and sue the corporation. The corporations may use the class action lawsuit as a tool to limit their liability. Once a lawsuit is initiated and settled, no member of the class may sue based on that claim. In other words, if a corporation settle a class action lawsuit by paying all class members $10 as compensation for a faulty product, the plaintiffs can no longer sue for any harm caused by the faulty product. This is one way of buying immunity for liability.

A Rand study on class action litigation stated that,

> It is generally agreed that fees drive plaintiffs' attorney's filing behavior, that defendants' risk aversion in the face of large aggregate exposures drives their settlement behavior. . . . In other words, the problems with class actions flow from incentives that are embedded in the process itself.

The Rand study also found that the number of class actions is rising significantly, with most of the increase concentrated in State courts. State courts often are used in nationwide class actions to the detriment of class members and sometimes defendants. In fact, State courts are more likely to certify class actions without adequately considering whether a class action would be fair to all class members. In addition, class lawyers sometimes manipulate pleadings to avoid removal of the lawsuit to the Federal courts, even to the extent that they minimize their client's potential claims. Class lawyers also sometimes defeat the complete diversity requirement by ensuring that at least one named class member is from the same State as a defendant, even if every other class member is from a different State.

The Class Action Fairness Act of 1999 does a number of things. First, it requires that notice of proposed settlements in all class actions, as well as all class notices, must be in clear, easily understood English and must include all material settlement terms, including the amount and source of attorneys' fees. The notices most plaintiffs receive are written in small print and confusing legal jargon. In fact, a lawyer testified before my subcommittee that even he could not understand the notice he received as a plaintiff in a class action lawsuit. Since plaintiffs are giving up their right to sue, it is imperative that they understand what they are doing and the ramifications of their actions.

Second, our bill requires that State attorneys general be notified of any

proposed class settlement that would affect residents of their States. The notice would give a State attorney general the opportunity to object if the settlement terms are unfair.

Third, our bill requires that attorneys' fees in class actions are to be based on a reasonable percentage of damages actually paid to class members, the actual costs of complying with the terms of a settlement agreement, as well as any future financial benefits. In the alternative, the bill provides that, to the extent the law permits, fees may be based on a reasonable hourly (lodestar) rate. This provision would discourage settlements that give attorneys exorbitant fees based on hypothetical overvaluation of coupon settlements, yet allows for reasonable fees in all kinds of cases, including cases that primarily involve injunctive relief.

Fourth, our bill allows more class action lawsuits to be removed from State court to Federal court, either by a defendant or an unnamed class member. A class action would qualify for Federal jurisdiction if the total damages exceed $75,000 and parties include citizens from multiple States. Currently, class lawyers can avoid removal if individual claims are for just less than $75,000—even if hundreds of millions of dollars in total are at stake—or if just one class member is from the same State as a defendant. However, the bill provides that cases remain in State court where the substantial majority of class and primary defendants are from the same State and that State's law would govern, or the primary defendants are States and a Federal court would be unable to order the relief requested.

Fifth, our bill will reduce frivolous lawsuits by requiring that a violation of rule 11 of the Federal rules of civil procedure, which penalizes frivolous lawsuits, will require the imposition of sanctions. However, the nature and extent of sanctions will remain discretionary.

We need class action reform badly. Both plaintiffs and defendants are calling for change in this area. The Class Action Fairness Act of 1999 is not just procedural reform, it is substantive reform of our court system. This bill will remove the conflict of interest that lawyers face in class action lawsuits, and will ensure the fair settlement of these cases. This bill will preserve the process, but put a stop to the more egregious abuses. I urge all my colleagues to join Senators KOHL, THURMOND, and me and support this important piece of legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 353

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Class Action Fairness Act of 1999''.

SEC. 2. NOTIFICATION REQUIREMENT OF CLASS ACTION CERTIFICATION OR SETTLEMENT.

(a) IN GENERAL.—Part V of title 28, United States Code, is amended by inserting after chapter 113 the following new chapter:

''CHAPTER 114—CLASS ACTIONS

''§ 1711. Definitions

''In this chapter the term—

''(1) 'class' means a group of persons that comprise parties to a civil action brought by 1 or more representative persons;

''(2) 'class action' means a civil action filed pursuant to rule 23 of the Federal Rules of Civil Procedure or similar State rules of procedure authorizing an action to be brought by 1 or more representative persons on behalf of a class;

''(3) 'class certification order' means an order issued by a court approving the treatment of a civil action as a class action;

''(4) 'class member' means a person that falls within the definition of the class;

''(5) 'class counsel' means the attorneys representing the class in a class action;

''(6) 'plaintiff class action' means a class action in which class members are plaintiffs; and

''(7) 'proposed settlement' means a settlement agreement between or among the parties in a class action that is subject to court approval before the settlement becomes binding on the parties.

''§ 1712. Application

''This chapter shall apply to—

''(1) all plaintiff class actions filed in Federal court; and

''(2) all plaintiff class actions filed in State court in which—

''(A) any class member resides outside the State in which the action is filed; and

''(B) the transaction or occurrence that gave rise to the class action occurred in more than 1 State.

''§ 1713. Notification of class action certifications and settlements

''(a) Not later than 10 days after a proposed settlement in a class action is filed in court, class counsel shall serve the State attorney general of each State in which a class member resides and the Attorney General of the United States as if such attorneys general and the Department of Justice were parties in the class action with—

''(1) a copy of the complaint and any materials filed with the complaint and any amended complaints (except such materials shall not be required to be served if such materials are made electronically available through the Internet and such service includes notice of how to electronically access such material);

''(2) notice of any scheduled judicial hearing in the class action;

''(3) any proposed or final notification to class members of—

''(A)(i) the members' rights to request exclusion from the class action; or

''(ii) if no right to request exclusion exists, a statement that no such right exists; and

''(B) a proposed settlement of a class action;

''(4) any proposed or final class action settlement;

''(5) any settlement or other agreement contemporaneously made between class counsel and counsel for the defendants;

''(6) any final judgment or notice of dismissal;

''(7)(A) if feasible the names of class members who reside in each State attorney general's respective State and the estimated proportionate claim of such members to the entire settlement; or

''(B) if the provision of information under subparagraph (A) is not feasible, a reasonable estimate of the number of class members residing in each attorney general's State and the estimated proportionate claim of such members to the entire settlement; and

''(8) any written judicial opinion relating to the materials described under paragraphs (3) through (6).

''(b) A hearing to consider final approval of a proposed settlement may not be held earlier than 120 days after the date on which the State attorneys general and the Attorney General of the United States are served notice under subsection (a).

''(c) Any court with jurisdiction over a plaintiff class action shall require that—

''(1) any written notice provided to the class through the mail or publication in printed media contain a short summary written in plain, easily understood language, describing—

''(A) the subject matter of the class action;

''(B) the legal consequences of being a member of the class action;

''(C) the ability of a class member to seek removal of the class action to Federal court if—

''(i) the action is filed in a State court; and

''(ii) Federal jurisdiction would apply to such action under section 1332(d);

''(D) if the notice is informing class members of a proposed settlement agreement—

''(i) the benefits that will accrue to the class due to the settlement;

''(ii) the rights that class members will lose or waive through the settlement;

''(iii) obligations that will be imposed on the defendants by the settlement;

''(iv) the dollar amount of any attorney's fee class counsel will be seeking, or if not possible, a good faith estimate of the dollar amount of any attorney's fee class counsel will be seeking; and

''(v) an explanation of how any attorney's fee will be calculated and funded; and

''(E) any other material matter; and

''(2) any notice provided through television or radio to inform the class members of the right of each member to be excluded from a class action or a proposed settlement, if such right exists, shall, in plain, easily understood language—

''(A) describe the persons who may potentially become class members in the class action; and

''(B) explain that the failure of a person falling within the definition of the class to exercise such person's right to be excluded from a class action will result in the person's inclusion in the class action.

''(d) Compliance with this section shall not provide immunity to any party from any legal action under Federal or State law, including actions for malpractice or fraud.

''(e)(1) A class member may refuse to comply with and may choose not to be bound by a settlement agreement or consent decree in a class action if the class member resides in a State where the State attorney general has not been provided notice and materials under subsection (a).

''(2) The rights created by this subsection shall apply only to class members or any person acting on a class member's behalf, and shall not be construed to limit any other rights affecting a class member's participation in the settlement.

''(f) Nothing in this section shall be construed to impose any obligations, duties, or

responsibilities upon State attorneys general or the Attorney General of the United States.

"§ 1714. Limitation on attorney's fees in class actions

''(a) In any class action, the total attorney's fees and expenses awarded by the court to counsel for the plaintiff class may not exceed a reasonable percentage of the amount of—

''(1) any damages and prejudgment interest actually paid to the class;

''(2) any future financial benefits to the class based on the cessation of alleged improper conduct by the defendants; and

''(3) costs actually incurred by all defendants in complying with the terms of an injunctive order or settlement agreement.

''(b) Notwithstanding subsection (a), to the extent that the law permits, the court may award attorney's fees and expenses to counsel for the plaintiff class based on a reasonable lodestar calculation.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters for part V of title 28, United States Code, is amended by inserting after the item relating to chapter 113 the following:

"114. Class Actions ..... 1711".

SEC. 3. DIVERSITY JURISDICTION FOR CLASS ACTIONS.

Section 1332 of title 28, United States Code, is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following:

''(d)(1) In this subsection, the terms 'class', 'class action', and 'class certification order' have the meanings given such terms under section 1711.

''(2) The district courts shall have original jurisdiction of any civil action where the matter in controversy exceeds the sum or value of $75,000, exclusive of interest and costs, and is a class action in which—

''(A) any member of a class of plaintiffs is a citizen of a State different from any defendant;

''(B) any member of a class of plaintiffs is a foreign state or a citizen or subject of a foreign state and any defendant is a citizen of a State; or

''(C) any member of a class of plaintiffs is a citizen of a State and any defendant is a foreign state or a citizen or subject of a foreign state.

''(3) The district court shall abstain from hearing a civil action described under paragraph (2) if—

''(A)(i) the substantial majority of the members of the proposed plaintiff class are citizens of a single State of which the primary defendants are also citizens; and

''(ii) the claims asserted will be governed primarily by the laws of that State; or

''(B) the primary defendants are States, State officials, or other governmental entities against whom the district court may be foreclosed from ordering relief.

''(4) In any class action, the claims of the individual members of any class shall be aggregated to determine whether the matter in controversy exceeds the sum or value of $75,000, exclusive of interest and costs.

''(5) This subsection shall apply to any class action before or after the entry of a class certification order by the court.

''(6)(A) A district court shall dismiss, or, if after removal, strike the class allegations and remand, any civil action if—

''(i) the action is subject to the jurisdiction of the court solely under this subsection; and

''(ii) the court determines the action may not proceed as a class action based on a failure to satisfy the conditions of rule 23 of the Federal Rules of Civil Procedure.

''(B) Nothing in subparagraph (A) shall prohibit plaintiffs from filing an amended class action in Federal or State court.

''(C) Upon dismissal or remand, the period of limitations for any claim that was asserted in an action on behalf of any named or unnamed member of any proposed class shall be deemed tolled to the full extent provided under Federal law.

''(7) Paragraph (2) shall not apply to any class action, regardless of which forum any such action may be filed in, involving any claim relating to—

''(A) the internal affairs or governance of a corporation or other form of entity or business association arising under or by virtue of the statutory, common, or other laws of the State in which such corporation, entity, or business association is incorporated (in the case of a corporation) or organized (in the case of any other entity); or

''(B) the rights, duties (including fiduciary duties), and obligations relating to or created by or pursuant to any security (as defined under section 2(a)(1) of the Securities Act of 1933 or the rules and regulations adopted under such Act).''.

SEC. 4. REMOVAL OF CLASS ACTIONS TO FEDERAL COURT.

(a) IN GENERAL.—Chapter 89 of title 28, United States Code, is amended by adding after section 1452 the following:

"§ 1453. Removal of class actions

''(a) In this section, the terms 'class', 'class action', and 'class member' have the meanings given such terms under section 1711.

''(b) A class action may be removed to a district court of the United States in accordance with this chapter, except that such action may be removed—

''(1) by any defendant without the consent of all defendants; or

''(2) by any plaintiff class member who is not a named or representative class member without the consent of all members of such class.

''(c) This section shall apply to any class action before or after the entry of any order certifying a class.

''(d) The provisions of section 1446 relating to a defendant removing a case shall apply to a plaintiff removing a case under this section, except that in the application of subsection (b) of such section the requirement relating to the 30-day filing period shall be met if a plaintiff class member files notice of removal within 30 days after receipt by such class member, through service or otherwise, of the initial written notice of the class action.

''(e) This section shall not apply to any class action, regardless of which forum any such action may be filed in, involving any claim relating to—

''(1) the internal affairs or governance of a corporation or other form of entity or business association arising under or by virtue of the statutory, common, or other laws of the State in which such corporation, entity, or business association is incorporated (in the case of a corporation) or organized (in the case of any other entity); or

''(2) the rights, duties (including fiduciary duties), and obligations relating to or created by or pursuant to any security (as defined under section 2(a)(1) of the Securities Act of 1933 or the rules and regulations adopted under such Act).''.

(b) REMOVAL LIMITATION.—Section 1446(b) of title 28, United States Code, is amended in the second sentence by inserting ''(a)'' after ''section 1332''.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—The table of sections for chapter 89 of title 28, United States Code, is amended by adding after the item relating to section 1452 the following:

''1453. Removal of class actions.''.

SEC. 5. REPRESENTATIONS AND SANCTIONS UNDER RULE 11 OF THE FEDERAL RULES OF CIVIL PROCEDURE.

Rule 11(c) of the Federal Rules of Civil Procedure is amended—

(1) in the first sentence by striking ''may, subject to the conditions stated below,'' and inserting ''shall'';

(2) in paragraph (2) by striking the first and second sentences and inserting ''A sanction imposed for violation of this rule may consist of reasonable attorneys' fees and other expenses incurred as a result of the violation, directives of a nonmonetary nature, or an order to pay penalty into court or to a party.''; and

(3) in paragraph (2)(A) by inserting before the period '', although such sanctions may be awarded against a party's attorneys''.

SEC. 6. EFFECTIVE DATE.

The amendments made by this Act shall apply to any civil action commenced on or after the date of enactment of this Act.

Mr. KOHL. Mr. President, Senator GRASSLEY and I today introduce the Class Action Fairness Act of 1999. This legislation addresses growing problems in class action litigation, particularly unfair and abusive settlements that shortchange class members while class lawyers line their pockets with high fees.

Let me share with you just a few disturbing examples.

First, one of my constituents, Martha Preston of Baraboo, Wisconsin, was an unnamed member of a class action lawsuit against her mortgage company that ended in a settlement. While at first she got $4 and change in compensation, a few months later her lawyers surreptitiously took $80—twenty times her compensation—from her escrow account to pay their fees. In total, her lawyers managed to pocket over $8 million in fees, but never explained that the class—not the defendant—would pay the attorneys' fees. Naturally outraged, she and others sued the class lawyers. Her lawyers turned around and sued her in Alabama—a state she had never visited—and demanded an unbelievable $25 million. So not only did she lose $75, she was forced to defend herself from a $25 million lawsuit.

Second, class lawyers and defendants often engineer settlements that leave plaintiffs with small discounts or coupons unlikely ever to be used. Meanwhile, class lawyers reap big fees based on unduly optimistic valuations. For example, in a settlement of a class action against major airlines, most plaintiffs received less than $80 in coupons while class attorneys received $14 million in fees based on a projection that the discounts were worth hundreds of millions. In a suit over faulty computer monitors, class members got $13 coupons, while class lawyers pocketed $6 million. And in a class action against Nintendo, plaintiffs received $5 coupons, while attorneys took almost $2 million in fees.

Third, competing federal and state class actions engage in a race to settlement, where the best interests of the class lose out. For example, in one state class action the class lawyers negotiated a small settlement precluding

all other suits, and even agreed to settle federal claims that were not at issue in state court. Meanwhile, a federal court found that the federal claims could have been worth more than $1 billion, while accusing the state class lawyers of ''hostile representation'' that ''surpassed inadequacy and sank to the level of subversion'' and pursuit of self-interest in ''getting a fee'' that was ''more in line with the interests of [defendants] than those of their clients.''

Fourth, class actions are often filed in state courts that are more likely to give inadequate consideration to class certification and class settlements. On several occasions, a state court has certified a class action although federal courts rejected certification of the same case. And in several Alabama state courts, 38 out of 43 classes certified in a three-year period were certified on an ex parte basis, without notice and hearing. One Alabama judge acting ex parte certified 11 class actions in 1997 alone. Comparably, only an estimated 38 class actions were certified in federal court that year (excluding suits against the U.S. and suits brought under federal law). This lack of close scrutiny appears to create a big incentive to file in state court, especially given the recent findings of a Rand study that class actions are increasingly concentrated in state courts.

Fifth, in nationwide class actions filed in state court, class lawyers often manipulate the pleadings to avoid removal to federal court, even by minimizing the potential claims of class members. For example, state class actions often seek just over $74,000 in damages per plaintiff, and forsake punitive damage claims, to avoid the $75,000 floor that qualifies for federal diversity jurisdiction. Or they defeat the federal requirement of complete diversity by naming one class member who is from the same state as a defendant, even if all other class members are from different states.

Finally, out-of-state defendants are often hauled into state court to address nationwide class claims, although federal courts are a more appropriate and more efficient forum. For example, an Alabama court is now considering a class action—and could establish a national policy—in a suit brought against the big three automakers on behalf of every American who bought a dual-equipped air bags over an eight-year period. The defendants failed in their attempt to remove to federal court based on an application of current diversity laws. And, unlike federal courts, states are unable to consolidate multiple class actions that involve the same underlying facts.

These examples show that abuse of the class action system is not only possible, but real. And the incentives and realities of the current system are a big part of the problem.

A class action is a lawsuit in which an attorney not only represents an individual plaintiff, but, in addition, seeks relief for all those individuals who suffered a similar injury. Prospective class members are usually sent notice about the class action, and are presumed to join it, unless they specifically ask to be left out. When these suits are settled, all class members are notified of the terms of the settlement and given the chance to object if they don't think the settlement is fair. A court must ultimately approve a settlement agreement.

The vast majority of these suits are brought and settled fairly and in good faith. Unfortunately, the class action system does not adequately protect class members from the few unscrupulous lawyers who are more interested in big attorneys' fees than compensation for their clients, the victims. The primary problem is that the client in a class action is a diffuse group of thousands of individuals scattered across the country, which is incapable of exercising meaningful control over the litigation. As a result, while in theory the class lawyers must be responsive to their clients, the lawyers control all aspects of the litigation.

Moreover, during a class action settlement, the amount of the attorney fee is negotiated between plaintiffs' lawyers and the defendants, just like other terms of the settlement. But in most cases the fees come at the expense of class members—the only party that does not have a seat at the bargaining table.

In addition, defendants may use class action settlements to advance their own interests. Paying a small settlement generally precludes all future claims by class members. So defendants have ample motivation to give class lawyers the fees they want as the price for settling all future liabilities.

As a result, it is easy to see how class members are left out in the cold. Although the judge is supposed to determine whether the settlement is fair before approving it, class lawyers and defendants ''may even put one over on the court, a staged performance. The lawyers support the settlement to get fees; the defendants support it to evade liability; the court can't vindicate the class's rights because the friendly presentation means that it lacks essential information,'' *Kamilewicz* v. *Bank of Boston Corp.*, 100 F.3d 1348, 1352 (Easterbrook, J., dissenting) (7th Cir. 1996).

Although class members get settlement notices and have the opportunity to object, they rarely do so, especially if they have little at stake. Not only is it expensive to get representation, but also it can be extremely difficult to actually understand what the settlement really does. Settlements are often written in long, finely printed letters with incomprehensible legalese, which even well-trained attorneys are hard pressed to understand. And settlements often omit basic information like how much money will go toward attorneys' fees and where that money will come from. In Martha Preston's case, one prominent federal judge found that ''the notice not only didn't alert the absent class members to the pending loss but also pulled the wool over the state judge's eyes,'' *id.*

We all know that class actions can result in significant and important benefits for class members and society, and that most class lawyers and most state courts are acting responsibly. Class actions have been used to desegregate racially divided schools, to obtain redress for victims of employment discrimination, and to compensate individuals exposed to toxic chemicals or defective products. Class actions increase access to our civil justice system because they enable people to pursuant claims collectively that would otherwise be too expensive to litigate.

The difficulty in any effort to improve a basically good system is weeding out the abuses without causing undue damage. The legislation we propose attempts to do this. It does not limit anyone's ability to file or settle a class action. It seeks to address the problem in several ways. First, it requires that State attorneys general be notified about proposed class action settlements that would affect residents of their states. With notice, the attorneys general can intervene in cases where they think the settlements are unfair.

Second, the legislation requires that class members be notified of a potential settlement in clear, easily understood English—not legal jargon.

Third, it limits class attorneys' fees to a reasonable percentage of the actual damages received by plaintiffs or to reasonable hourly fees. This will deter class lawyers from using inflated values of coupon settlements to reap big fees. Some courts have already embraced this standard, which parallels the recent securities reform law.

Fourth, it permits removal to federal court of certain class actions involving citizens of multiple states, at the request of unnamed class members or defendants. This provision eliminates gaming by class lawyers to keep cases in state court and, through consolidation of related cases in federal court, helps prevent a race to settlement between competing class actions.

Finally, it amends Rule 11 of the Federal Rules of Civil Procedures to require the imposition of sanctions for filing frivolous lawsuits, although the nature and extent of sanctions remains discretionary. This provision will deter the filing of frivolous class actions.

Let me emphasize the limited scope of this legislation. We do not close the courthouse door to any class action. We do not require that State attorneys general do anything with the notice they receive. We do not deny reasonable fees for class lawyers. And we do not mandate that every class action be brought in federal court. Instead, we simply promote closer and fairer scrutiny of class actions and class settlements.

These proposals have earned a broad range of support. Even Judge Paul Niemeyer, the Chair of the Judicial Conference's Advisory Committee on Civil Rules, who has studied class actions closely and testified before Congress on this issue, expressed his support for this ''modest'' measure, noting in particular that increasing federal jurisdiction over class actions will be a positive ''meaningful step.'' Last year, our bill passed the Judiciary Administrative Oversight and the Courts Subcommittee.

Mr. President, right now, people across the country can be dragged into lawsuits unaware of their rights and unarmed on the legal battlefield. What our bill does is give regular people back their rights and representation. This measure may not stop all abuses, but it moves use forward. It will help ensure that good people like Martha Preston don't get ripped off.

Mr. President, Senator GRASSLEY and I believe this is a moderate approach to correct the worst abuses, while preserving the benefits of class actions. It is both pro-consumer and pro-defendant. We believe it will make a difference.

By Mr. THOMAS (for himself, Mr. MCCAIN, Mr. KERRY, Mr. SMITH of Oregon, and Mr. ROBB):

S. 354. A bill to authorize the extension of nondiscriminatory trade status to the products of Mongolia; to the Committee on Foreign Relations.

MONGOLIA MOST-FAVORED-NATION STATUS

Mr. THOMAS. Mr. President, I rise as chairman of the Subcommittee on East Asian and Pacific Affairs to introduce S. 354, a bill to authorize the extension of nondiscriminatory treatment—formerly known as ''most-favored nation status''—to the products of Mongolia. I am pleased to be joined by Senator MCCAIN, chairman of the Commerce Committee; Senator KERRY, the ranking minority member of my subcommittee; and Senator ROBB and Senator SMITH or Oregon as original cosponsors.

Mongolia has undergone a series of remarkable and dramatic changes over the last few years. Sandwiched between the former Soviet Union and China, it was one of the first countries in the world to become communist after the Russian Revolution. After 70 years of communist rule, though, the Mongolian people have recently made great progress in establishing a democratic political system and creating a free-market economy. Since that time, there have been successive successful national and regional elections.

Mongolia has demonstrated a strong desire to build a friendly and cooperative relationship with the United States on trade and related matters since its turn towards democracy. We concluded a bilateral trade treaty with that country in 1991, and a bilateral investment treaty in 1994. Mongolia has received nondiscriminatory trading status since 1991, and has been found to be in full compliance with the freedom of emigration requirements of Title IV of the Trade Act of 1974. In additions, it has acceded to the Agreement Establishing of the World Trade Organization.

Mr. President, Mongolia has clearly demonstrated that it is fully deserving of joining the ranks of those countries to which we extend nondiscriminatory trade status. The extension of that status would not only serve to commend the Mongolians on their impressive progress, but would also enable the U.S. to avail itself of all its rights under the WTO with respect to Mongolia.

I have another, more parochial, reason for being interested in MFN status for Mongolia. Mongolia and my home state of Wyoming are sister states; a strong relationship between the two has developed over the last four years. Many of Mongolia's provincial governors have visited the state, and the two governments have established partnerships in education, agriculture, and livestock management. Like Wyoming, Mongolia is a high plateau with mountains on the northwest border, where many of the residents make their living by raising livestock. I am pleased to see the development of this mutually beneficial relationship, and am sure that the extension of nondiscriminatory trade status will serve to strengthen it further.

Mr. President, I introduced an identical bill in the last Congress, but Congress adjourned sine die before the bill could be acted on by both houses. I was very appreciative that last year the distinguished chairman of the Finance Committee, Senator ROTH, indicated his willingness to favorably consider the legislation early in this Congress, and look forward to working with him.

Mr. President, I ask unanimous that the text of S. 354 be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 354

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress makes the following findings:

(1) Mongolia has received nondiscriminatory trade treatment since 1991 and has been found to be in full compliance with the freedom of emigration requirements of title IV of the Trade Act of 1974;

(2) Mongolia has, since ending its nearly 70 years of dependence on the former Union of Soviet Socialist Republics, established a parliamentary democracy and a free-market economic system;

(3) Mongolia concluded a bilateral trade treaty with the United States in 1991 and a bilateral investment treaty in 1994;

(4) Mongolia has acceded to the Agreement Establishing the World Trade Organization;

(5) Mongolia has demonstrated a strong desire to build a friendly and cooperative trade relationship with the United States; and

(6) The extension of nondiscriminatory trade status to the products of Mongolia would enable the United States to avail itself of all the rights available under the World Trade Organization with respect to Mongolia.

SEC. 2. TERMINATION OF APPLICATION OF TITLE IV OF THE TRADE ACT OF 1974 TO MONGOLIA.

(a) PRESIDENTIAL DETERMINATIONS AND EXTENSIONS OF NONDISCRIMINATORY TREATMENT.—Notwithstanding any provision of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), the President may—

(1) determine that such title should no longer apply to Mongolia; and

(2) after making a determination under paragraph (1) with respect to Mongolia, proclaim the extension of nondiscriminatory treatment to the products of that country.

(b) TERMINATION OF APPLICATION OF TITLE IV.—On or after the effective date of the extension under subsection (a)(2) of nondiscriminatory treatment to the products of Mongolia, title IV of the Trade Act of 1974 shall cease to apply to that country.

Mr. MCCAIN. Mr. President, today I am proud to cosponsor legislation with Senators THOMAS, ROBB, and KERRY to grant nondiscriminatory trade status to Mongolia. Passage of this legislation will play an important role in aiding Mongolia's transition to a democratic government and a market-oriented economy.

There has been a stunning political transformation in Mongolia since it broke away from Communist rule in 1990. In the past seven years, there have been two presidential elections and three parliamentary elections. All of these have been open and democratic, and have not suffered from violence or fraud.

The most important aspect of these elections is that they show the triumph of democracy and democratic forces. In 1996, the Mongolian Social Democratic Party (MSDP) and Mongolian National Democratic Party (MNDP) joined forces to win an unexpected victory in the parliamentary elections. By fulfilling its ''Contract with the Mongolian Voter,'' this coalition is ensuring the establishment of a political system based on our cherished democratic principles. After a few months of uncertainty, the Mongolian government is now back on track and committed to continue its reforms. I am happy to say that the International Republican Institute is continuing to play a major role in showing these political parties how to establish a stable democratic government.

This democratic transformation has established a firm human rights regime. The Mongolian Constitution allows freedom of speech, the press and expression. Separation of Church and state is recognized in this predominantly Buddhist nation as well as the right to worship or not worship. Full freedom of emigration is allowed, and Mongolia now is in full compliance with sections 402 and 409 of the Trade Act of 1974, also known as the Jackson-Vanik Amendment. An independent judiciary has been established to protect these rights from any future violation.

Mongolia is also in the middle of an economic transformation. As part of the ''Contract with the Mongolian

Voter,'' the democratic coalition of the MNDP and MSDP ran on promises to establish private property rights and encourage foreign investment. The Mongolian government is now steadily creating a market economy. A program has been set up to allow residents of government-owned high rise apartments to acquire ownership of their residence. In 1997, Mongolia joined the international trading system by joining the World Trade Organization and eliminating all tariffs, except on personal automobiles, alcoholic beverages, and tobacco. On January 1, 1999, the state-run press became privatized. The economic news also continues to be good. The 1997 GDP growth was 3.3%, and the inflation rate has dropped from 53.2% in 1996 to 9.2% in June, 1998. The Mongolian government is now boldly moving to set the nation on a course to privatize large-scale enterprise and reform the state pension system.

When I was in Mongolia in 1997, I saw the effects of this economic transformation firsthand. At a town hall meeting in Kharakhorum, the ancient capital of the Mongol Empire, I met a herdsman and asked him about the economic liberalization. First, I asked him how many sheep he had under Communism. He said none, because the Communists didn't allow private property. Then I asked him how many sheep he owned after privatization. He answered that he had three sheep then, which is not much in a country with 25 million sheep. So I asked him how many sheep he has now. He answered that he now has 90 goats, 60 sheep, 20 cows and 6 horses. I asked him if that was considered successful. He replied that he was successful as were many herdsmen in this new economy. He then told me that he would never want to change the system back to what it was, because ''now Mongols have control over their own life and destiny.'' That is the new culture of a market Mongolian economy.

There are many benefits to supporting Mongolian democracy and economic liberalization. In 1991, Secretary of State James Baker promised Mongolia that the United States would be Mongolia's ''third neighbor.'' We remain committed to that course of action to encourage Mongolia in its endeavors and promote it as an example of how nations can successfully convert from a Communist totalitarian state to a market democracy. The democratic Mongolia has already begun to promote peace and stability among its neighbors by becoming the world's first national nuclear-free zone. Furthermore, the United States will be able to count on the liberalized Mongolian economy as an important market for American goods and services.

I hope that my colleagues here in the Senate will join me in passing this legislation to grant nondiscriminatory trade status to Mongolia to help it continue its successful democratic transformation and transition to a market economy.

By Mr. MOYNIHAN (for himself and Mr. BINGAMAN):

S. 355. A bill to amend title 13, United States Code, to eliminate the provision that prevents sampling from being used in determining the population for purposes of the apportionment of Representatives in Congress among the several States; to the Committee on Government Affairs.

A JUST APPORTIONMENT FOR ALL STATES ACT

Mr. MOYNIHAN. Mr. President, I rise today to introduce, along with my friend and colleague, Senator BINGAMAN, a bill to allow the use of sampling in determining the populations of the states for use in reapportionment. The Supreme Court has ruled that the 1976 amendments to the Census Act do not permit sampling in determining these populations. We believe sampling is vital to achieving the goal of the most accurate census possible, and to a fair and accurate redistricting.

The Bureau of the Census proposes to count each census tract by mail and then by sending out enumerators until they have responses for 90 percent of the addresses. The Bureau proposes to then use sampling to infer who lives at the remaining ten percent of addresses in each tract based on what they know of the 90 percent. This would provide a more accurate census then we get by repeatedly sending enumerators to hard-to-count locations and would save $500 million or more in personnel costs.

The Census plan is supported by the National Academy of Sciences' National Research Council, which was directed by Congress in 1992 to study ways to achieve the most accurate population count possible. The NRC report finds that the Bureau should ''make a good faith effort to count everyone, but then truncate physical enumeration after a reasonable effort to reach nonrespondents. The number and character of the remaining nonrespondents should then be estimated through sampling.''

Mr. President, the taking of a census goes back centuries. I quote from the King James version of the Bible, chapter two of Luke: ''And it came to pass in those days that there went out a decree from Caesar Augustus that all the world should be taxed (or enrolled, according to the footnote) * * * And all went to be taxed, everyone into his own city.'' The early censuses were taken to enable the rule or ruling government to tax or raise an army.

The first census for more sociological reasons was taken in Nuremberg, in 1449. So it was not a new idea to the Founding Fathers when they wrote it into the Constitution to facilitate fair taxation and accurate apportionment of the House of Representatives, the latter of which was the foundation of the Great Compromise that has served us well ever since.

The Constitution says in Article I, Section 2:

> Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a term of years, and excluding Indians not taxed, three fifths of all other persons. The actual enumeration shall be made within three years of the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall direct by law.

Those who cite this as saying the Constitution requires an ''actual enumeration'' should consider whether the phrase is being taken out of context. The Supreme Court has not yet ruled on the constitutionality of sampling. Rather the Court has ruled on the census laws last amended in 1976.

I also note that we have not taken an ''actual enumeration'' the way the Founding Fathers envisioned since 1960, after which enumerators going to every door were replaced with mail-in responses. The Constitution provides for a postal system, but did not direct that the census be taken by mail. Yet we do it that way. Why not sample if that is a further improvement?

Sampling would go far toward correcting one of the most serious flaws in the census, the undercount. Statistical work in the 1940's demonstrated that we can estimate how many people the census misses. The estimate for 1940 was 5.4 percent of the population. After decreasing steadily to 1.2 percent in 1980, the 1990 undercount increased to 1.8 percent, or more than four million people.

More significantly, the undercount is not distributed evenly. The differential undercount, as it is known, of minorities was 5.7 percent for Blacks, 5.0 percent for Hispanics, 2.3 percent for Asian-Pacific Islanders, and 4.5 percent for Native Americans, compared with 1.2 percent for non-Hispanic whites. The difference between the black and non-black undercount was the largest since 1940. By disproportionately missing minorities, we deprive them of equal representation in Congress and of proportionate funding from Federal programs based on population. The Census Bureau estimates that the total undercount will reach 1.9 percent in 2000 if the 1990 methods are used instead of sampling.

Mr. President, I have some history with the undercount issue. In 1966 when I became Director of the Joint Center for Urban Studies at MIT and Harvard, I asked Professor David Heer to work with me in planning a conference to publicize the non-white undercount in the 1960 census and to foster concern about the problems of obtaining a full enumeration, especially of the urban poor. I ask unanimous consent that my foreword to the report from that conference be printed in the RECORD, for it is, save for some small numerical changes, disturbingly still relevant. Sampling is the key to the problem and we must proceed with it so that we have one accurate census count for all purposes, all uses. I also ask unanimous consent that the text of the bill be printed in the RECORD and I hope my colleagues will support it.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

S. 355

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''A Just Apportionment for All States Act''.

SEC. 2. USE OF SAMPLING.

Section 195 of title 13, United States Code, is amended by striking ''Except for the determination of population for purposes of apportionment of Representatives in Congress among the several States, the'' and inserting ''The''.

SOCIAL STATISTICS AND THE CITY

(By David M. Heer)

FOREWORD

At one point in the course of the 1950's John Kenneth Galbraith observed that it is the statisticians, as much as any single group, who shape public policy, for the simple reason that societies never really become effectively concerned with social problems until they learn to measure them. An unassuming truth, perhaps, but a mighty one, and one that did more than he may know to sustain morale in a number of Washington bureaucracies (hateful word!) during a period when the relevant cabinet officers had on their own reached very much the same conclusion—and distrusted their charges all the more in consequence. For it is one of the ironies of American government that individuals and groups that have been most resistant to liberal social change have quite accurately perceived that social statistics are all too readily transformed into political dynamite, whilst in a curious way the reform temperament has tended to view the whole statistical process as plodding, overcautious, and somehow a brake on progress. (Why must every statistic be accompanied by detailed notes about the size of the ''standard error''?)

The answer, of course, is that this is what must be done if the fact is to be accurately stated, and ultimately accepted. But, given this atmosphere of suspicion on the one hand and impatience on the other, it is something of a wonder that the statistical officers of the federal government have with such fortitude and fairness remained faithful to a high intellectual calling, and an even more demanding public trust.

There is no agency of which this is more true than the Bureau of the Census, the first, still the most important, information-gathering agency of the federal government. For getting on, now, for two centuries, the Census has collected and compiled the essential facts of the American experience. Of late the ten-year cycle has begun to modulate somewhat, and as more an more current reports have been forthcoming, the Census has been quietly transforming itself into a continuously flowing source of information about the American people. In turn, American society has become more and more dependent on it. It would be difficult to find an aspect of public or private life not touched and somehow shaped by Census information. And yet for all this, it is somehow ignored. To declare that the Census is without friends would be absurd. But partisans? When Census appropriations are cut, who bleeds on Capitol Hill or in the Executive Office of the President? The answer is almost everyone in general, and therefore no one in particular. But the result, too often, is the neglect, even the abuse, of an indispensable public institution, which often of late has served better than it has been served.

The papers in this collection, as Professor Heer's introduction explains, were presented at a conference held in June 1976 with the avowed purpose of arousing a measure of public concern about the difficulties encountered by the Census in obtaining a full count of the urban poor, especially perhaps the Negro poor. It became apparent, for example, that in 1960 one fifth of nonwhite males aged 25-29 had in effect disappeared and had been left out of the Census count altogether. Invisible men. Altogether, one tenth of the nonwhite population had been ''missed.'' The ramifications of this fact were considerable, and its implications will suggest themselves immediately. It was hoped that a public airing of the issue might lead to greater public support to ensure that the Census would have the resources in 1970 to do what is, after all, its fundamental job, that of counting all the American people. As the reader will see, the scholarly case for providing this support was made with considerable energy and candor. But perhaps the most compelling argument arose from a chance remark by a conference participant to the effect that if the decennial census were not required by the Constitution, the Bureau would doubtless never have survived the economy drives of the nineteenth century. The thought flashed: the full enumeration of the American population is not simply an optional public service provided by government for the use of sales managers, sociologists, and regional planners. It is, rather, the constitutionally mandated process whereby political representation in the Congress is distributed as between different areas of the nation. It is a matter not of convenience but of the highest seriousness, affecting the very foundations of sovereignty. That being the case, there is no lawful course but to provide the Bureau with whatever resources are necessary to obtain a full enumeration. Inasmuch as Negroes and other ''minorities'' are concentrated in specific urban locations, to undercount significantly the population in those areas is to deny residents their rights under Article I, Section 3 of the Constitution, as well, no doubt, as under Section 1 of the Fourteenth Amendment. Given the further, more recent practice of distributing federal, state, and local categorical aid on the basis not only of the number but also social and economic characteristics of local populations, the constitutional case for full enumeration would seem to be further strengthened.

A sound legal case? Others will judge; and possibly one day the courts will decide. But of one thing the conference had no doubt: the common-sense case is irrefutable. America needs to count all its people. (And reciprocally, all its people need to make themselves available to be counted.) But if the legal case adds any strength to the commonsense argument, it remains only to add that should either of the arguments bring some improvement in the future, ti will be but another instance of the generosity of the Carnegie Corporation, which provided funds for the conference and for this publication.

Mr. BINGAMAN. Mr. President, I am pleased to speak in support of this important legislation being introduced today by my friend from New York, Senator MOYNIHAN. This bill turns into law what we all recognize is the only practical way to count our citizens in the decennial census. There is no question—the science is unequivocal—sampling is the only way to assure an accurate census.

Not only does sampling provide a better census, it costs less than all other alternative methods—as much as $3 billion less. What could be clearer? Sampling gives a better answer at a lower cost. This bill ought to pass the Senate unanimously.

Mr. President, the Constitution says the census shall be conducted in a manner that Congress shall by law direct. The recent Supreme Court case found that under the current law sampling may be used for all aspects of the census except for the decision on how many representatives each state will have. In fact, current law says sampling shall be used for every other purpose of the census.

My state now has three House members and that number isn't going to change after this census one way or the other. However, we now know New Mexico had the second highest undercount rate in the 1990 census—3.1 percent, or nearly 50,000 New Mexicans were simply left out, including 20,000 children. Among New Mexico's native American community, the undercount rate was an astounding 9 percent. This undercount is literally costing New Mexico millions of dollars every year.

In Albuquerque, our largest city, 12,000 men, women, and children were left out. Nationwide, 4 million Americans were not accounted for.

Mr. President, this massive undercount is unacceptable to New Mexico and should be unacceptable to every Senator, especially when the Census Bureau has a solution that is tried, tested, and reliable. I believe every citizen counts, and every citizen should be counted.

Federal funding for education, transportation, crime prevention and other priorities is allocated to states based on population. The majority of people overlooked in the past census are poor, the very citizens we must assure are not being left out. If the existing undercount is repeated in future censuses, New Mexico will again be denied its fair share of critical federal funds.

Under current law we can have a two-number census, one without sampling for apportionment and one with sampling for all other purposes. I can appreciate why some people don't want a two-number census. The country would be better served with only a single-number census as long as it's the best number the Census Bureau can come up with. However, some in Congress would use the appropriations process to stymie the census.

Mr. President, the census is done only once per decade, it is too important to decide this issue as part of the annual appropriation process. This bill will assure that the Census Bureau has available the very best tools for this important task. Science-based sampling is the only way to give America the quality we demand in our census. It is inconceivable to me that anyone would support a second-rate census.

I am pleased to support this bill, and I hope the Senate will take prompt action on it. I also urge the House to move forward quickly to pass this important legislation. I thank Mr. MOYNIHAN for his efforts.

By Mr. KYL (for himself and Mr. MCCAIN):

S. 356. A bill to authorize the Secretary of the Interior to convey certain works, facilities, and titles of the Gila Project, and designated lands within or adjacent to the Gila Project, to the Wellton-Mohawk Irrigation and Drainage District, and for other purposes; to the Committee on Energy and Natural Resources.

WELLTON-MOHAWK PROJECT TRANSFER

Mr. KYL. Mr. President, I rise today to introduce a bill to transfer title to the Wellton-Mohawk Irrigation and Drainage District in Yuma, Arizona from the Federal government to the project beneficiaries. If you think this sounds like deja vu, you would be correct—it is. In May of 1998, during the 105th Congress, I introduced the same bill. The version I introduce today is the same version the passed the Senate at the end of last Congress. The bill was approved by all the relevant House and Senate Committees, passed by the Senate, included in a package of similar bills in the House, but, for reasons that I have not been able to determine, never managed to get signed into law. And this particular project transfer was one Regional Director Bob Johnson called ''low hanging fruit.'' In a meeting in my office, he assured me that the Wellton-Mohawk project was a ''perfect example'' of the kind of project that should transfer under the administration's 1995 Framework for Transfer. So this is exactly the kind of project the Department of the Interior should transfer project title from the Department to the project beneficiaries.

Mr. President, I would like to thank Senator JOHN MCCAIN for cosponsoring this bill with me and I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 356

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. SHORT TITLE.—This Act may be referred to as the ''Wellton-Mohawk Transfer Act''.

SEC. 2. TRANSFER.—The Secretary of the Interior (''Secretary'') is authorized to carry out the terms of the Memorandum of Agreement No. 8–AA–34–WAO14 (''Agreement'') dated July 10, 1998 between the Secretary and the Wellton-Mohawk Irrigation and Drainage District (''District'') providing for the transfer of works, facilities, and lands to the District, including conveyance of Acquired Lands, Public Lands, and Withdrawn Lands, as defined in the Agreement.

SEC. 3. WATER AND POWER CONTRACTS.—Notwithstanding the transfer, the Secretary and the Secretary of Energy shall provide for and deliver Colorado River water and Parker-Davis Project Priority Use Power to the District in accordance with the terms of existing contracts with the District, including any amendments or supplements thereto or extensions thereof and as provided under section 2 of the Agreement.

SEC. 4. SAVINGS.—Nothing in this Act shall affect any obligations under the Colorado River Basin Salinity Control Act (P.L. 93–320, 42 U.S.C. 1571).

SEC. 5. REPORT.—If transfer of works, facilities, and lands pursuant to the Agreement has not occurred by July 1, 2000, the Secretary shall report on the status of the transfer as provided in section 5 of the Agreement.

SEC. 6. AUTHORIZATION.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

By Mr. GRAMS:

S. 357. A bill to amend the Federal Crop Insurance Act to establish a pilot program in certain States to provide improved crop insurance options for producers; to the Committee on Agriculture, Nutrition, and Forestry.

FEDERAL CROP INSURANCE REFORM ACT

By Mr. GRAMS:

S. 358. A bill to freeze Federal discretionary spending at fiscal year 2000 levels, to extend the discretionary budget caps until the year 2010, and to require a two-thirds vote of the Senate to breach caps; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977 with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

BUDGET REFORM LEGISLATION

By Mr. GRAMS (for himself and Mr. CRAPO):

S. 359. A bill to establish procedures to provide for a taxpayer protection lock-box and related downward adjustment of discretionary spending limits, to provide for additional deficit reduction with funds resulting from the stimulative effect of revenue reductions, and to provide for the retirement security of current and future retirees through reforms of the Old Age Survivor and Disability Insurance Act; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

TAXPAYER PROTECTION LOCK-BOX LEGISLATION

Mr. GRAMS. Mr. President, I have a number of bills I want to introduce today. I want to start out by talking a little bit about the three bills dealing with budget reform, and then also an important bill leading to crop insurance reform.

Mr. President, I rise today to introduce these bills that would reform the Federal budget process, strengthen fiscal discipline and restore Government accountability to ensure that taxpayers are fully represented in Washington.

I commend Leader LOTT and Chairman DOMENICI for including budget process reform as one of the top five priorities in the 106th Congress. I believe this should be our immediate priority as we prepare to make our budget process work better.

Mr. President, the Federal budget process has become a reckless game in which the team roster is limited to a handful of Washington politicians and technocrats while the taxpayers are relegated to the sidelines.

This has not only weakened the nation's fiscal discipline but also undermined the system of checks and balances established by the Constitution.

The most recent example of this abusive process was the 1998 Omnibus Appropriation legislation. The bill included $520 billion in funding for many essential Government programs, representing 8 out of Congress' 13 annual appropriations bills.

But the entire negotiations were exclusive, arbitrary, and conducted behind closed doors by only a few congressional leaders and White House staff.

Few Members of the Congress had any idea what was in the bill but were asked to approve it, without debate, without adequate review, without amendments, and without roll call votes.

As a result, Washington broke the spending caps mandated in last year's Balanced Budget Act by spending more than $21 billion of the surplus for so-called ''emergency'' purposes.

Budget negotiators magically invented a new smoke and mirrors budget term—''forward funding'' which shifted $9.3 billion into future budgets. Long-criticized ''backdoor spending'' thrived: for example, lawmakers sneaked $1 billion to fund programs to achieve initiatives under the Kyoto treaty. The White House has not sent up the Treaty and the Congress has many reservations about it.

Without any policy consideration, hundreds of millions of taxpayer dollars went to fund such pork programs as, amazingly, caffeinated chewing gum research.

The budget process is seriously flawed. Twenty-five years ago, Congress tried to change its budget practices and get spending under control by passing the Congressional Budget Act. Yet, over these 25 years, our national debt has grown from $540 billion to $5.6 trillion.

Spending is at an all-time high, and so are taxes. The budget process has become so complicated that most lawmakers have a hard time understanding it. Of course, that hasn't stopped the proliferation of budget gimmicks to circumvent the intent of the Congress.

Before the situation explodes completely, Congress must immediately reform the budget process to ensure the integrity of our budget and appropriations process. We can begin in the 106th Congress by taking a few simple steps.

The first step is to ensure our government's continued operation without any interruption. Last week, I introduced important legislation that would continue funding for the Government at the prior year's level when Congress and the President fail to complete appropriations legislation.

Mr. President, we all still have a fresh memory of the 1995 Federal Government shutdown, the longest one in history, which caused financial damage and inconvenience to millions of Americans when the President refused to support a Balanced Budget Act and tax relief for Americans.

However, the most serious damage done by the 27-day shutdown was that it shook the American people's confidence in their Government and in their elected officials.

I am concerned that President Clinton would use this technique again to force Congress into spending more money. I believe we can do better for the taxpayers and believe my legislation, the Good Government bill, will help to do that.

In May of 1997, I first proposed this as a stand-alone vote in an effort to pass the flood relief bill for Northern Minnesota. The Senate Democratic leader agreed and supported my proposal. I was able to obtain a commitment from the Senate leadership of both parties to pursue the legislation separately in the near future.

Last summer, I sought to offer it as an amendment to an appropriations bill. This amendment, originally sponsored by Senator MCCAIN, would have created an automatic procedure for a CR at the end of each fiscal year. Unfortunately, my efforts were not successful.

If I had succeeded, we would not have had to go through the debacle last year's omnibus spending bill.

Mr. President, we all have different philosophies and policies on budget priorities, and of course we will not always agree.

But there are essential functions and services of the Federal Government we must continue to fund regardless of our differences in budget priorities. Program funding must be based on merits, not on political leverage.

This legislation would continue funding for the Federal Government at 100 percent of the previous year's level when Congress and the President fail to complete appropriations legislation at the end of any fiscal year.

The virtue of this legislation is that it would allow us to debate issues concerning spending policy and the merits of budget priorities while we continue to keep essential Government functions operating. The American taxpayer will no longer be held hostage to a Government shutdown.

Mr. President, there are still plenty of uncertainties involved in our budget and appropriations process, particularly this year. We must ensure that this good-government contingency plan is adopted to keep the Government up and running in the event a budget agreement is not reached.

Another step we must take is to control our emergency spending. Emergency spending is spending over the budget allotment and is supposed to cover true emergencies, such as natural disaster relief.

Instead, Congress and the Administration have used this as an opportunity to bust the budget for a lot of spending that is not emergency related at all. Most of this spending can be planned within our budget limits. Even natural disasters happen regularly—why not put something in our budget to pay for them?

That is why I am introducing the ''Emergency Spending Control Act'' today as well. This legislation would require the President to submit a line item in his budget for natural disaster relief funding. The funding levels for this line item would be based on the average spending of the last five years on natural disaster relief.

The amount in this line item would not be subject to the current spending caps. The funding of this budget line item must be used exclusively for natural disaster relief—any use for non-natural disasters is strictly prohibited.

Mr. President, as a Senator whose State has been previously devastated by the 1997 flood of the Red and Minnesota Rivers, tornadoes, snow, ice and other natural disasters, I know how important enacting this legislation is not only for Minnesotans, but for all Americans.

Fortunately, city mayors, the State of Minnesota, and the Federal Emergency Management Agency acted quickly in the Red River Valley, and the rebuilding process moved relatively fast.

Local governments continue to work closely with my office and with State and Federal agencies to answer the many questions that still arise as people seek to rebuild their homes, their businesses, and the rest of their lives.

We owe it to these Minnesotans and other Americans who have been faced with a natural disaster to require the President to submit a line item in his budget for natural disaster relief funding.

Local and State officials should not be required to come to Washington and lobby for funding every time that a natural disaster occurs. We should not have to consider and pass separate ''emergency'' legislation which becomes a magnet for other so-called emergency spending. Disasters occur every year, we should budget for them.

Mr. President, the second to the last bill I am introducing today is a bill to enforce and expand the statutory spending caps. Spending limits are a good tool to control spending—if the President and lawmakers stick to them. But since the establishment of statutory spending limits, Washington has repeatedly broken them.

Washington set forth new spending caps in 1990 after it failed to meet its deficit reduction targets. In 1993, President Clinton broke the statutory spending caps for his new spending increases and created new caps.

But in 1997, the President could not live within his own spending caps, and he broke them again. Last year, President Clinton proposed over $22 billion of so-called ''emergency spending'' in the omnibus spending legislation and again broke the caps.

Again and again, Washington lowers the fiscal bar and then jumps over it at the expense of the American taxpayers.

This is wrong. Mr. President. If we commit to living within the statutory spending caps, we must stick to it. We must use every tool available to enforce these spending limits.

My legislation will help Congress to enforce its fiscal discipline by creating a new budget point of order to allow Congress to exceed spending limits only if two-thirds of its members vote to do so.

In addition, my bill would extend the limits beyond the year 2000. Doing so will ensure that spending increases won't grow faster than the income growth of working Americans.

There are many other budget process reforms I support as well, promoted by other Senators. One I would like to highlight is the biennial budget, which is proposed by our distinguished colleague, Senator DOMENICI. Biennial budgeting will allow us to examine our fiscal discipline as well as providing valuable time for our oversight responsibilities.

If the Congress adopts each of these changes, it will ensure a budget process that serves the best interests of the nation, allows careful policy and spending deliberation, and strengthens our political institution of government through representation as established by the Constitution.

Mr. President, finally I want to take a few minutes to introduce a bill which takes an important step toward improving the nation's federal crop insurance program—and that is a bill that I have introduced, the ''Crop Insurance Reform Act.''

Last year, we witnessed devastating circumstances come together to create a crisis atmosphere for many of our nation's farmers. I know that in my own state of Minnesota, multiple years of wet weather and crop disease—especially scab—coupled with rising production costs and plummeting commodity prices have devastated family farms in record numbers.

With the increased opportunities that accompany Freedom to Farm come increased risks. We've seen this first hand.

Freedom to Farm can work, but a necessary component of it, as I have argued repeatedly, is an adequate crop insurance program. This component has been missing so far. One of the promises made during debate of the 1996 Farm Bill was that Congress would address the need for better crop insurance.

We must not let another growing season pass without having instituted a new, effective crop insurance program.

This overhaul is a major undertaking, and instituting a program of comprehensive reform should be and is now a legislative priority.

In fact, the President has included a number of ideas for reforming the federal crop insurance program in his recent budget proposal. Most importantly, the President has suggested increasing the federal subsidies on crop insurance premiums and eliminating disparities in subsidy rates. Essentially, this is similar to legislation I introduced last year and am introducing again today. Unfortunately, while the President claims to support crop insurance reform, he has failed to identify any money in his budget to fund it. However, now that he has recognized the urgency of the situation, I hope we can work together to accomplish meaningful reform.

Furthermore, we must resume the debate now so that we can have the best system in place in time, and that we can do it in time for the year 2000 crops. The bill I am introducing today is a first step. It is the result of months of work from my Minnesota Crop Insurance Work Group.

The Work Group consists of various commodity groups, farm organizations, rural lenders, and agriculture economists. We have also worked closely with USDA's Farm Service and Risk Management Agencies. But it was my primary intention to assemble a committee of farmers and lenders—people who know the situation and have seen the problems firsthand.

The Crop Insurance Reform Act is designed to address the coverage decision a farmer must make at the initial stages of purchasing crop insurance. Producers have been telling us that they need better coverage, but that it is currently too expensive.

My bill will allow more options for producers to choose from when making risk-management decisions. It essentially provides farmers with an enhanced coverage product at a more affordable price.

Currently, producer premium subsidies range from nearly 42 percent at the 100 percent price election for 65 percent coverage, to only 13 percent at the 100 percent price election for 85 percent coverage. Although the Risk Management Agency has recently provided better product options, the relatively low subsidy levels at the higher ends of coverage make them cost prohibitive.

My bill will put in place a flat subsidy level of 31 percent across the 100 percent price election and at all levels of coverage.

This will adjust the producer premiums to make better coverage more affordable, thereby removing the incentive from purchasing lesser-grade coverage. The Crop Insurance Reform Act puts the focus of the coverage decision on what really matters: and that is the type of coverage which would be needed in the event of a disaster or loss, rather than simply making the decision based upon up-front costs.

When farmers are armed with the necessary risk management tools, I believe everybody will save. The government saves in ad hoc disaster payments, arguably the most expensive way to address any kind of financial crisis. But more importantly, the family farmer saves.

This bill is part of a continued effort to reform Federal Crop Insurance.

Over the next few months, I will continue to work with my Crop Insurance Work Group, and my colleagues, Senators LUGAR and ROBERTS, to craft a comprehensive program which directly benefits producers and also will be here to protect the taxpayers.

Mr. GRAMS. Mr. President, the second bill I am introducing with my good friend, Senator CRAPO of Idaho, is lockbox legislation.

Before being elected to the Senate in 1998, MIKE CRAPO led the fight to enact the Lock Box legislation in the House of Representatives. His version of the Lock Box legislation was passed by the House of Representatives on four different occassions, both as a free standing bill and as an amendment. I am pleased to have Senator CRAPO as a partner on this legislation in the Senate.

Mr. President, our short-term fiscal situation has improved greatly due to the continued growth of our economy. It is reported that we may end up with a unified budget surplus of over $80 billion this year and a $4.5 trillion surplus in the next 15 years.

Of course, tax dollars are always considered ''free money'' by the big spenders here in Washington, and the thought of all that new ''free surplus money'' is creating a feeding frenzy on Capitol Hill.

If we don't lock away this increased revenue for the taxpayers, the government will spend every penny of it. Despite the rhetoric about reserving it all for Social Security, Washington has already spent $30 billion of last year's budget surplus.

We need a lockbox to dedicate any increased revenue in the future and return it to the taxpayers as tax relief, debt reduction, and Social Security reform.

Since the unexpected revenue has come directly from working Americans, I believe it is only fair to return it to them. The tax burden on the American people is still historically high. It's sound policy to use our non-Social Security surplus to lower the tax burden and allow families to keep a little more of their hard-earned money.

Over the past 30 years, as I mentioned, we have amassed a $5.6 trillion national debt thanks to Washington's culture of spending. A newborn child today will bear over $20,000 of that debt the moment he or she comes into the world. Each year, we sink more than $250 billion into the black hole of interest payments, which could be better spent fighting crime, maintaining roads and bridges, and equipping the military. It's sound policy to use part of any surpluses to begin paying down the national debt and reducing the financial burden on the next generations.

The budget surpluses also give us a great opportunity to address our other long-term financial imbalances. Federal unfunded liabilities could eventually top $20 trillion, bankrupting our government if no real reform occurs.

It's vitally important that we use the entire Social Security surplus exclusively for Social Security, and we should even use a portion of the non-Social Security surplus to finance Social Security reforms.

If we don't lock in the surplus, Washington will spend all of it to expand the government. That's what they are doing now. Last month alone, President Clinton proposed 41 new programs. The spending increases he outlined could reach $300 billion a year, the highest increase proposed by any President in our history.

Mr. President, we must never, never, never repeat the mistake we made in 1997 and 1998, and allow Washington take a huge bite into the taxpayers' money. We must do everything we can to ensure we reserve any increased revenue for Social Security, tax relief and debt reduction.

By Mr. LAUTENBERG (for himself and Mr. TORRICELLI):

S. 362. A bill to authorize appropriations for the Coastal Heritage Trail Route in New Jersey, and for other purposes; to the Committee on Energy and Natural Resources.

LEGISLATION TO REAUTHORIZE THE NEW JERSEY COASTAL HERITAGE TRAIL ROUTE

Mr. LAUTENBERG. Mr. President, today I am introducing legislation to reauthorize the New Jersey Coastal Heritage Trail Route so that we can allow the National Park Service, together with its partners, to complete its work in bringing recognition to New Jersey's rich coastal history. I am pleased to be joined by Senator TORRICELLI in sponsoring this legislation.

The Coastal Heritage Trail Route was first authorized in 1988 through legislation sponsored by former Senator Bill Bradley and myself. This legislation authorized the Secretary of the Interior to design a vehicular route that would enable the public to enjoy the nationally significant natural and cultural sites along the New Jersey coastline. Thanks to the work of the National Park Service, the Coastal Heritage Trail Route will, at completion, have five theme trails to allow for the self-discovery of topics ranging from maritime history to wildlife migration. These five vehicular discovery trails will travel along the coast of New Jersey, through eight different counties, by way of the Garden State Parkway and State Highway 49.

The first theme trail completed is the Maritime History trail. The purpose of this trail is to explore the coastal trade, defense of the nation, and fishing and ship building industries. The second trail is the Coastal

Habitats trail. This trail enables visitors to learn about the special natural resources of the New Jersey coast and the plants, animals and especially birds that live there. The recently opened Wildlife Migrations trail, allows individuals to explore the special places that migrating species depend on along New Jersey's coast. A fourth trail is the Historic Settlements trail. When completed, this trail will bring the historic communities whose economies were based on local natural resources to life. The final tour, Relaxation and Inspiration, will depict how people have traditionally used their leisure time, at places such as religious retreats and historic boardwalks.

The project, which was originally conceived and designed to recognize the importance of New Jersey's coastal areas in our nation's history, has grown into a rich partnership between the federal government, state and local governments, and private individuals. This partnership demonstrates a commitment among many levels of government and the private sector to bringing history to life.

Mr. President, the New Jersey Coastal Heritage Trail Route is clearly one of the National Park Service's success stories. Legislation to renew authorization for the trail enacted in 1994 appropriately called upon the Park Service to match 50 percent of its federal funding with non-federal funds. I am pleased to report that the Service has gone well beyond that matching requirement. Since 1994, appropriations for the Trail Route totaled $1.8 million. During that same period, the Park Service has raised $2.8 million in matching funds.

However, the work is not yet finished. Even though the Park Service has been able to meet the funding requirements, at this time, only the first three trails have been completed. The Park Service plans call for completing the two remaining trails, and adding three new visitor centers and interpretive materials to aid school children as they learn about New Jersey's history. Our bill would make this possible by increasing the authorization level for the trail to $4 million, and extend the authorization to the Year 2004, which would give the Park Service the additional time it needs to complete the Trail Route.

The Coastal Heritage Trail Route brings national recognition and stature to many of New Jersey's special places, and helps to contribute to New Jersey's number two industry, tourism. Most importantly, the Trail Route provides residents and visitors with an opportunity to explore New Jersey's natural and cultural history and develop an appreciation for its importance. But what should happen if we don't reauthorize the funds for this program? Among other effects, New Jersey residents and visitors to our state will have lost valuable educational opportunities. Much of the $2 million in grants that the project has successfully generated will have been lost. And there would be a severe impact on tourism if the five themes are not fully developed.

Mr. President, I just wanted to take a moment to commend Senator MURKOWSKI, the Chairman of the Senate Energy and Natural Resources Committee and Senator THOMAS, the Chairman of the Subcommittee on National Parks, Historic Preservation, and Recreation. They and the members of their staff worked hard in the last Congress to mark up this legislation and report it favorably to the full Senate. Although this bill was approved overwhelmingly by my colleagues in the Senate in the last Congress, the House of Representatives did not vote on this legislation prior to adjournment, and thus we must begin again. I have every confidence that this important legislation will pass both houses of Congress in a timely fashion during this session. Just today, the House Resources Committee reported out the House version of this bill, H.R. 171, introduced by Rep. FRANK A. LOBIONDO.

The completion of the Coastal Heritage Trail Route is an important priority for New Jersey. The trail system will provide a sense of history, not solely for the residents of New Jersey, but for its visitors as well. By repealing the sunset provision on the original act, and increasing the authorization, the National Park Service will be allowed to complete the project that deserves to be finished.

I ask unanimous consent that copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 362

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION OF APPROPRIATIONS.

Section 6 of Public Law 100–515 (16 U.S.C. 1244 note) is amended—

(1) in subsection (b)(1), by striking ''$1,000,000'' and inserting ''$4,000,000''; and

(2) in subsection (c), by striking ''five'' and inserting ''10''.

By Mr. DOMENICI:

S. 363. A bill to establish a program for training residents of low-income rural areas for, and employing the residents in, new telecommunications industry jobs located in rural areas, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

THE RURAL EMPLOYMENT IN TELECOMMUNICATIONS INDUSTRY ACT OF 1999

Mr. DOMENICI. Mr. President, I rise today with great pleasure to introduce ''The Rural Employment in Telecommunications Industry Act of 1999.''

The introduction of this Bill marks a historic opportunity for rural communities to create jobs within the telecommunications industry. The Bill establishes a program to train residents of low income rural areas for employment in telecommunications industry jobs located in those same rural areas.

As many of my colleagues know, I have an initiative called ''rural payday'' and I believe this Bill is yet another step in creating jobs for our rural areas. All too often a rural area is characterized by a high number of low income residents and a high unemployment rate.

Moreover, our rural areas are often dependent upon a small number of employers or a single industry for employment opportunities. Consequently, when there is a plant closing, a downturn in the economy, or a slowdown in the area's industry the already present problems are only compounded.

Mr. President, I would also like to take a moment and talk about New Mexico.

While New Mexico may be the 5th largest state by size with its beautiful mountains, desert, and Great Plains and vibrant cities such as Albuquerque, Santa Fe, and Las Cruces it is also a very rural state. The Northwest and Southeast portions of the state are closely tied to the fortunes of the oil and gas industry. Additionally, a community can be dealt a severe blow with the closing or downsizing of an employer or manufacturing plant.

I would also like to mention that communities like Clovis and Roswell are already taking steps to lay the foundation for creating jobs through the Call Center Industry. Just recently in Clovis, over a 1,000 people participated in a Career Expo that focused on attracting Call Center companies to the area.

As I stated before, all too often rural areas do not possess the resources of more metropolitan areas and can be devastated by a single event or downturn in the economy. The Bill I am introducing today will allow communities, like those I just mentioned, to apply for Federal aid to assist them in taking the next step in attracting telecommunications jobs.

The Bill will allow the Secretary of Labor to establish a program to promote rural employment in the telecommunications industry by providing grants to states with low income rural areas. The program will be a win win proposition for all involved because employers choosing to participate in the project by bringing jobs to the rural area will be assured of a highly skilled workforce.

The program will provide residents with intensive services to train them for the new jobs in the telecommunications industry. The intensive services will include customized training and appropriate remedial training, support services and placement of the individual in one of the new jobs created by the program.

And that is what this bill is about, providing people with the tools needed to succeed. With these steps we are embarking on the road of providing our rural areas throughout our nation with a vehicle to create jobs. We are creating opportunities and an environment where our citizens can succeed and our communities can be vibrant.

By Mr. BOND (for himself, Mr. KERRY, and Mr. LIEBERMAN):

S. 364. A bill to improve certain loan programs of the Small Business Administration, and for other purposes; to the Committee on Small Business.

SMALL BUSINESS INVESTMENT IMPROVEMENT ACT OF 1999

Mr. BOND. Mr. President, I rise today to introduce the Small Business Investment Improvement Act of 1999. I am pleased to announce that two of my colleagues from the Committee on Small Business, Senator KERRY and Senator LIEBERMAN, have joined as principal cosponsors. This is an important bill for one simple reason: it makes more investment capital available to small businesses that are seeking to grow and hire new employees.

In 1958, Congress created the SBIC Program to assist small business owners obtain investment capital. Forty years later, small businesses continue to experience difficulty in obtaining investment capital from banks and traditional investment sources. Although investment capital is readily available to large businesses from traditional Wall Street investment firms, small businesses seeking investments in the range of $500,000–$2.5 million have to look elsewhere. SBICs are frequently the only sources of investment capital for growing small businesses.

In 1992 and 1996, the Committee on Small Business worked closely with the Small Business Administration to correct earlier deficiencies in the law in order to ensure the future of the program. Today, the SBIC Program is expanding rapidly in an effort to meet the growing demands of small business owners for debt and equity investment capital.

Last year, the Committee on Small Business approved a bill similar to the bill being introduced today. Today's bill includes two technical changes in the SBIC program. The first change removes a requirement that at least 50 percent of the annual program level of the approved participating securities under the SBIC Program be reserved for funding with SBICs having private capital of not more than $20 million. The requirement has become obsolete following SBA's imposition of its leverage commitment process and Congressional approval for SBA to issue five year commitments for SBIC leverage.

The second technical change requires SBA to issue SBIC guarantees and trust certificates at periodic intervals of not less than 12 months. The current requirement is six months. This change will give maximum flexibility for SBA and the SBIC industry to negotiate the placement of certificates that fund leverage and obtain the lowest possible interest rate.

The Small Business Investment Improvement Act of 1999 clarifies the rules for the determination of an eligible small business or small enterprise that is not required to pay Federal income tax at the corporate level, but that is required to pass income through to its shareholders or partners by using a specified formula to compute its after-tax income. This provision is intended to permit ''pass through'' enterprises to be treated the same as enterprises that pay Federal taxes for purposes of SBA size standard determinations.

The bill would also make a relatively small change in the operation of the program. This change, however, would help smaller, small businesses to be more attractive to investors. SBICs would be permitted to accept royalty payments contingent on future performance from companies in which they invest as a form of equity return for their investment.

SBA already permits SBICs to receive warrants from small businesses, which give the investing SBIC the right to acquire a portion of the equity of the small business. By pledging royalties or warrants, the small business is able to reduce the interest that would otherwise be payable by the small business to the SBIC. Importantly, the royalty feature provides the smaller, small business with an incentive to attract SBIC investments when the return may otherwise be insufficient to attract venture capital.

Lastly, the bill increases the program authorization levels to fund Participating Securities. In Fiscal Year 1999, the authorization level would increase from $800 million to $1.2 billion; in Fiscal Year 2000, it would increase from $900 million to $1.5 billion. The two increases have become necessary as the demand in the SBIC program was growing at a rapid rate. Higher authorization levels are necessary if the SBIC Program is going to meet the demand for investment capital from the small business community.

Mr. President, this is a sound legislative proposal, which has the support of many of my colleagues on the Committee on Small Business. It is my hope we will be able to conduct a committee markup of this bill in the near future.

I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 364

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Small Business Investment Improvement Act of 1999''.

SEC. 2. SBIC PROGRAM.

(a) IN GENERAL.—Section 308(i)(2) of the Small Business Investment Act of 1958 (15 U.S.C. 687(i)(2)) is amended by adding at the end the following: ''In this paragraph, the term 'interest' includes only the maximum mandatory sum, expressed in dollars or as a percentage rate, that is payable with respect to the business loan amount received by the small business concern, and does not include the value, if any, of contingent obligations, including warrants, royalty, or conversion rights, granting the small business investment company an ownership interest in the equity or increased future revenue of the small business concern receiving the business loan.''.

(b) FUNDING LEVELS.—Section 20 of the Small Business Act (15 U.S.C. 631 note) is amended—

(1) in subsection (d)(1)(C)(i), by striking ''$800,000,000'' and inserting ''$1,200,000,000''; and

(2) in subsection (e)(1)(C)(i), by striking ''$900,000,000'' and inserting ''$1,500,000,000''.

(c) DEFINITIONS.—

(1) SMALL BUSINESS CONCERN.—Section 103(5) of the Small Business Investment Act of 1958 (15 U.S.C. 662(5)) is amended—

(A) by redesignating subparagraphs (A) through (C) as clauses (i) through (iii), and indenting appropriately;

(B) in clause (iii), as redesignated, by adding ''and'' at the end;

(C) by striking ''purposes of this Act, an investment'' and inserting the following: ''purposes of this Act—

''(A) an investment''; and

(D) by adding at the end the following:

''(B) in determining whether a business concern satisfies net income standards established pursuant to section 3(a)(2) of the Small Business Act, if the business concern is not required by law to pay Federal income taxes at the enterprise level, but is required to pass income through to the shareholders, partners, beneficiaries, or other equitable owners of the business concern, the net income of the business concern shall be determined by allowing a deduction in an amount equal to the sum of—

''(i) if the business concern is not required by law to pay State (and local, if any) income taxes at the enterprise level, the net income (determined without regard to this subparagraph), multiplied by the marginal State income tax rate (or by the combined State and local income tax rates, as applicable) that would have applied if the business concern were a corporation; and

''(ii) the net income (so determined) less any deduction for State (and local) income taxes calculated under clause (i), multiplied by the marginal Federal income tax rate that would have applied if the business concern were a corporation;''.

(2) SMALLER ENTERPRISE.—Section 103(12)(A)(ii) of the Small Business Investment Act of 1958 (15 U.S.C. 662(12)(A)(ii)) is amended by inserting before the semicolon at the end the following: ''except that, for purposes of this clause, if the business concern is not required by law to pay Federal income taxes at the enterprise level, but is required to pass income through to the shareholders, partners, beneficiaries, or other equitable owners of the business concern, the net income of the business concern shall be determined by allowing a deduction in an amount equal to the sum of—

''(I) if the business concern is not required by law to pay State (and local, if any) income taxes at the enterprise level, the net income (determined without regard to this clause), multiplied by the marginal State income tax rate (or by the combined State and local income tax rates, as applicable) that would have applied if the business concern were a corporation; and

''(II) the net income (so determined) less any deduction for State (and local) income taxes calculated under subclause (I), multiplied by the marginal Federal income tax rate that would have applied if the business concern were a corporation''.

(d) TECHNICAL CORRECTIONS.—

(1) REPEAL.—Section 303(g) of the Small Business Investment Act of 1958 (15 U.S.C. 683(g)) is amended by striking paragraph (13).

(2) ISSUANCE OF GUARANTEES AND TRUST CERTIFICATES.—Section 320 of the Small Business Investment Act of 1958 (15 U.S.C. 687m) is amended by striking ''6'' and inserting ''12''.

(3) ELIMINATION OF TABLE OF CONTENTS.—Section 101 of the Small Business Investment Act of 1958 (15 U.S.C. 661 note) is amended to read as follows:

"SEC. 101. SHORT TITLE.

''This Act may be cited as the 'Small Business Investment Act of 1958'.''.

Mr. KERRY. Mr. President, today I join Chairman BOND in support of the Small Business Investment Company Technical Corrections Act.

The Small Business Investment Company (SBIC) program is vital to our fastest growing small companies that have capital needs exceeding the caps on SBA's loan programs, but are not large enough to be attractive to traditional venture capital investors. The demand is clear: Last year, participating securities in the SBIC program invested $360 million in 495 financings. In Massachusetts, where there is an impressive community of fast-growing companies, particularly in the hi-tech industry, there were 140 SBIC financings, worth $145.4 million.

This legislation sets out to make five technical changes. They range from improving the incentive for SBIC's to loan money to small companies to structuring a fairer formula for determining whether companies of the same revenue size can quality for SBIC financing. One of the most important changes will increase the authorized levels for participating securities.

The Participating Securities component of the SBIC program invests principally in the equities of new or expanding businesses. To leverage the private capital of participating securities and better serve these fast-growing businesses, I supported Senator LIEBERMAN's amendment to H.R. 3412 during the last Congress, which would have raised the authorization level for participating securities from $800 million to $1 billion in fiscal year 1999 and from $900 million to $1.2 billion in fiscal year 2000. This bill passed the Senate Small Business Committee and the full Senate by unanimous consent, but unfortunately, the House was unable to act on it before the 105th Congress ended.

Since that amendment was introduced, we have seen that the need is even greater than those levels. The Administration anticipates faster growth in the SBIC program because of both its increasing popularity and the increase in additional personnel at the Small Business Administration to its SBIC licensing unit. In fiscal years 1997 and 1998, SBA licensed approximately 30 new SBIC's per year. With more staff devoted to the licensing unit, SBA projects that it will license more than double that amount in fiscal year 1999. Accordingly, Senator BOND's Act would increase the authorization level to $1.2 billion in FY99 and to $1.5 billion in FY2000.

Mr. President, I am pleased to cosponsor this legislation and I applaud the work of my colleagues on the Senate Small Business Committee, Chairman BOND and Senator LIEBERMAN.

By Mr. GORTON (for himself and Mrs. MURRAY):

S. 365. A bill to amend title XIX of the Social Security Act, to allow States to use the funds available under the State children's health insurance program for an enhanced matching rate for coverage of additional children under the Medicaid program; to the Committee on Finance.

CHILDREN'S HEALTH EQUITY ACT

Mr. GORTON. Mr. President. In 1997, Congress and the President agreed to provide $48 billion over the next 10 years as an incentive to states to provide health care coverage to uninsured, low-income children. To receive this money, states must expand eligibility levels to children living in families with incomes up to 200% of the federal poverty level.

Washington State has a strong record of ensuring that its low-income kids have access to health care. Five years ago, my state decided to do what Congress and the President have just last year required other states to do. In 1994, Washington expanded its child Medicaid eligibility level to 200% of the federal poverty level (FPL) all the way through to the age of 18.

During the negotiations of the 1997 Balanced Budget Act (BBA), Congress and the Administration recognized that certain states were already undertaking Medicaid expansions up to or above 200 percent of FPL, and that they would be allowed to use the new SCHIP funds. Unfortunately, this provision was limited to those states that enacted expansions on or after March 31, 1997 and disallowed Washington from accessing the $230 million in SCHIP funds it had been allocated through 2002. As a result, Washington State cannot use its SCHIP allotment to cover the 90,000 children currently eligible, but not covered for health care at or below 200 percent of poverty. Exacerbating this inequity is the fact that many states have begun accessing their SCHIP allotments to cover kids at poverty levels far below Washington's current or past eligibility levels.

The bill I am introducing today, along with Senator MURRAY, corrects this technicality and is a top priority for the Washington State delegation in the 106th Congress. Congresswoman DUNN has introduced a companion measure in the House of Representatives that is cosponsored by the entire Washington delegation.

This bipartisan, bicameral initiative represents a thoughtful, carefully-crafted response to the unintended consequences of SCHIP and brings much needed assistance to children currently at risk. Rather than simply changing the effective date included in the BBA, this initiative includes strong maintenance of effort language as well as incentives for our state to find those 90,000 uninsured kids because we feel strongly that they receive the health coverage for which they are eligible.

This bill does not take money from other states nor does it provide additional federal subsidies for children the state is now covering, it simply allows Washington to continue to do the good work they have already started by focusing on new, uninsured children at low income levels first.

By Mr. COCHRAN (for himself, Mr. MOYNIHAN, and Mr. FRIST):

S.J. Res. 8. A joint resolution providing for the reappointment of Wesley S. Williams, Jr., as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on Rules and Administration.

By Mr. COCHRAN (for himself, Mr. MOYNIHAN, and Mr. FRIST):

S.J. Res. 9. A joint resolution providing for the reappointment of Dr. Hanna H. Gray as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on Rules and Administration.

By Mr. COCHRAN (for himself, Mr. MOYNIHAN, and Mr. FRIST):

S.J. Res. 10. A joint resolution providing for the reappointment of Barber B. Conable, Jr., as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on Rules and Administration.

BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION REAPPOINTMENTS

Mr. COCHRAN. Mr. President, today I am introducing three Senate Joint Resolutions reappointing citizen regents of the Board of Regents of the Smithsonian Institution. I am pleased that my fellow Smithsonian Institution Regents, Senators MOYNIHAN and FRIST are cosponsors.

At its meeting on January 25, 1999, the Smithsonian Institution Board of Regents recommended the following distinguished individuals for reappointment to six year terms effective April 12, 1999: Barber B. Conable, Jr. of New York; Dr. Hanna H. Gray of Illinois; and Mr. Wesley S. Williams, Jr. of the District of Columbia.

I ask unanimous consent that copies of their biographies be included in the RECORD.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

WESLEY S. WILLIAMS, JR.

Wesley S. Williams, Jr., of Washington, D.C., has been associated with the law firm of Covington & Burling since 1970 and a partner since 1975. He was previously legal counsel to the Senate Committee on the District of Columbia, a teaching fellow at Columbia University Law School, and Special Counsel to the District of Columbia Council. He is currently active on many corporate and nonprofit boards and has participated in the Smithsonian Luncheon Group. He was appointed to the Board of Regents in April 1993, chairs its Investment Policy Committee, and serves on the Regents' Executive Committee, Nominating Committee, Committee on Policy, Programs, and Planning, and ad hoc Committee on Business. He also served on the Regents' Search Committee for a New Secretary, and he is a member of the Commission of the National Museum of American Art.

HANNA HOLBORN GRAY

The Harry Pratt Judson Distinguished Service Professor of History, The University of Chicago

Hanna H. Gray was President of the University of Chicago from July 1, 1978 through June 30, 1993, and is now President Emeritus.

Mrs. Gray is a historian with special interests in the history of humanism, political and historical thought, and politics in the Renaissance and the Reformation. She taught history at the University of Chicago from 1961 to 1972 and is now the Harry Pratt Judson Distinguished Service Professor of History in the University of Chicago's Department of History.

She was born on October 25, 1930, in Heidelberg, Germany. She received her B.A. degree from Bryn Mawr in 1950 and her Ph.D. in history from Harvard University in 1957. From 1950 to 1951, she was a Fulbright Scholar at Oxford University.

She was an instructor at Bryn Mawr College in 1953–54 and taught at Harvard from 1955 to 1960, returning as a Visiting Lecturer in 1963–64. In 1961, she became a member of the University of Chicago's faculty as Assistant Professor of History, becoming Associate Professor in 1964.

Mrs. Gray was appointed Dean of the College of Arts and Sciences and Professor of History at Northwestern University in 1972. In 1974, she was elected Provost of Yale University with an appointment as Professor of History. From 1977 to 1978, she also served as Acting President of Yale.

She has been a Fellow of the Newberry Library, a Fellow of the Center of Behavioral Sciences, a Visiting Scholar at that center, a Visiting Professor at the University of California at Berkeley, and a Visiting Scholar for Phi Beta Kappa. She is also an Honorary Fellow of St. Anne's College, Oxford.

Mrs. Gray is a member of the Renaissance Society of America. She is a fellow of the American Academy of Arts and Sciences and a member of the American Philosophical Society, the National Academy of Education, and the Council on Foreign Relations of New York. She holds honorary degrees from a number of colleges and universities, including Oxford, Yale, Brown, Columbia, Princeton, Duke, Harvard, and the Universities of Michigan and Toronto, and The University of Chicago.

She is chairman of the boards of the Andrew W. Mellon Foundation and the Howard Hughes Medical Institute, serves on the boards of Harvard University and the Marlboro School of Music, and is a Regent of the Smithsonian Institution.

In addition, Mrs. Gray is a member of the boards of directors of J.P. Morgan & Company, the Cummins Engine Company, and Ameritech.

Mrs. Gray was one of twelve distinguished foreign-born Amrericans to receive a Medal of Liberty award from President Reagan at ceremonies marking the rekindling of the Statue of Liberty's lamp in 1986. In 1991, she received the Presidential Medal of Freedom, the nation's highest civilian award, from President Bush. She received the Charles Frankel Prize from the National Endowment of the Humanities and the Jefferson Medal from the American Philosophical Society in 1993. In 1996, Mrs. Gray received the University of Chicago's Quantrell Award for Excellence in Undergraduate Teaching. In 1997, she received the M. Carey Thomas Award from Bryn Mawr College.

Her husband, Charles M. Gray, is Professor Emeritus in the Department of History at the University of Chicago.

BARBER B. CONABLE, JR.

Barber Conable retired on August 31, 1991, from a five-year term as President of The World Bank Group, headquartered in Washington, D.C. The World Bank promotes economic growth and an equitable distribution of the benefits of that growth to improve the quality of life for people in developing countries.

Mr. Conable was a Member of the House of Representatives from 1965–1985. In Congress, he served 18 years on the House Ways and Means Committee, the last eight years as its Ranking Minority Member. He served in various capacities for 14 years in the House Republican Leadership, including Chairman of the Republican Policy Committee and the Republican Research Committee. During his congressional service, he also was a member of the Joint Economic Committee and the House Budget and Ethics committees.

Following Mr. Conable's retirement from Congress, he served on the Boards of four multinational corporations and the Board of the New York Stock Exchange. He also was active in foundation, museum, and nonprofit work, and was a Distinguished Professor at the University of Rochester.

Currently Mr. Conable serves on the Board of Directors of Corning, Inc., Pfizer, Inc., the American International Group, Inc., and the First Empire State Corporation. In addition, he is a Trustee of Cornell University and of the National Museum of the American Indian of the Smithsonian Institution. He has chaired the Museum's development committee since October, 1990 and is a member of its International Founders Council, the volunteer committee for the National Campaign to raise funds for construction of the Museum on the Mall.

Mr. Conable is a native of Warsaw, New York and graduated from Cornell University and Cornell Law School. He was a Marine in World War II and the Korean War.

Mr. and Mrs. Conable are parents of three daughters and a son. They reside in Alexander, New York.

ADDITIONAL COSPONSORS

S. 2

At the request of Mr. JEFFORDS, the names of the Senator from Nebraska (Mr. HAGEL) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 2, a bill to extend programs and activities under the Elementary and Secondary Education Act of 1965.

S. 4

At the request of Mr. ROBB, his name was added as a cosponsor of S. 4, a bill to improve pay and retirement equity for members of the Armed Forces; and for other purposes.

At the request of Mr. CLELAND, his name was added as a cosponsor of S. 4, supra.

At the request of Mr. WARNER, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 4, supra.

S. 6

At the request of Mr. DASCHLE, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 6, a bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to protect consumers in managed care plans and other health coverage.

S. 11

At the request of Mr. ABRAHAM, the names of the Senator from Alabama (Mr. SESSIONS), the Senator from Iowa (Mr. GRASSLEY), and the Senator from Arkansas (Mr. HUTCHINSON) were added as cosponsors of S. 11, a bill for the relief of Wei Jingsheng.

S. 17

At the request of Mr. DODD, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 17, a bill to increase the availability, affordability, and quality of child care.

S. 30

At the request of Mr. DASCHLE, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 30, a bill to provide countercylical income loss protection to offset extreme losses resulting from severe economic and weather-related events, and for other purposes.

S. 56

At the request of Mr. KYL, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 56, a bill to repeal the Federal estate and gift taxes and the tax on generation-skipping transfers.

S. 101

At the request of Mr. LUGAR, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 101, a bill to promote trade in United States agricultural commodities, livestock, and value-added products, and to prepare for future bilateral and multilateral trade negotiations.

S. 125

At the request of Mr. FEINGOLD, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 125, a bill to reduce the number of executive branch political appointees.

S. 129

At the request of Mr. FEINGOLD, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 129, a bill to terminate the F/A–18E/F aircraft program.

S. 138

At the request of Mr. KYL, the names of the Senator from Idaho (Mr. CRAIG) and the Senator from Georgia (Mr. COVERDELL) were added as cosponsors of S. 138, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for expenses of attending elementary and secondary schools and for contributions to charitable organizations which provide scholarships for children to attend such schools.

S. 171

At the request of Mr. MOYNIHAN, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. 171, a bill to amend the Clean Air Act to limit the concentration of sulfur in gasoline used in motor vehicles.

S. 227

At the request of Mr. COVERDELL, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 227, a bill to prohibit the expenditure of Federal funds to provide

or support programs to provide individuals with hypodermic needles or syringes for the use of illegal drugs.

S. 257

At the request of Mr. COCHRAN, the names of the Senator from Mississippi (Mr. LOTT), the Senator from Virginia (Mr. WARNER), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Alaska (Mr. STEVENS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. AKAKA), the Senator from New Hampshire (Mr. SMITH), the Senator from Oklahoma (Mr. NICKLES), the Senator from Florida (Mr. MACK), the Senator from Georgia (Mr. COVERDELL), the Senator from Idaho (Mr. CRAIG), the Senator from Kentucky (Mr. MCCONNELL), the Senator from South Carolina (Mr. THURMOND), the Senator from Arizona (Mr. KYL), the Senator from North Carolina (Mr. HELMS), the Senator from Indiana (Mr. LUGAR), the Senator from Tennessee (Mr. THOMPSON), the Senator from Alabama (Mr. SHELBY), the Senator from Oklahoma (Mr. INHOFE), the Senator from Texas (Mrs. HUTCHISON), the Senator from Arizona (Mr. MCCAIN), the Senator from Alaska (Mr. MURKOWSKI), the Senator from New Mexico (Mr. DOMENICI), the Senator from Missouri (Mr. BOND), the Senator from Delaware (Mr. ROTH), the Senator from Utah (Mr. HATCH), the Senator from Texas (Mr. GRAMM), the Senator from Kansas (Mr. ROBERTS), the Senator from Maine (Ms. SNOWE), the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Colorado (Mr. ALLARD), the Senator from Alabama (Mr. SESSIONS), the Senator from Arkansas (Mr. HUTCHINSON), the Senator from New Hampshire (Mr. GREGG), the Senator from Montana (Mr. BURNS), the Senator from Wyoming (Mr. ENZI), the Senator from Maine (Ms. COLLINS), the Senator from Kansas (Mr. BROWNBACK), the Senator from Missouri (Mr. ASHCROFT), the Senator from Minnesota (Mr. GRAMS), the Senator from Utah (Mr. BENNETT), the Senator from Tennessee (Mr. FRIST), the Senator from Wyoming (Mr. THOMAS), the Senator from Michigan (Mr. ABRAHAM), the Senator from Oregon (Mr. SMITH), the Senator from Ohio (Mr. DEWINE), the Senator from Kentucky (Mr. BUNNING), the Senator from Illinois (Mr. FITZGERALD), the Senator from Idaho (Mr. CRAPO), and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. 257, a bill to state the policy of the United States regarding the deployment of a missille defense capable of defending the territory of the United States against limited ballistic missile attack.

S. 269

At the request of Mr. COCHRAN, the names of the Senator from Mississippi (Mr. LOTT), the Senator from Virginia (Mr. WARNER), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Alaska (Mr. STEVENS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. AKAKA), the Senator from New Hampshire (Mr. SMITH), the Senator from Oklahoma (Mr. NICKLES), the Senator from Florida (Mr. MACK), the Senator from Georgia (Mr. COVERDELL), the Senator from Idaho (Mr. CRAIG), the Senator from Arizona (Mr. MCCAIN), the Senator from Alaska (Mr. MURKOWSKI), the Senator from New Mexico (Mr. DOMENICI), the Senator from Missouri (Mr. BOND), the Senator from Delaware (Mr. ROTH), the Senator from Utah (Mr. HATCH), the Senator from Texas (Mr. GRAMM), the Senator from Kansas (Mr. ROBERTS), the Senator from Maine (Ms. SNOWE), the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Colorado (Mr. ALLARD), the Senator from Alabama (Mr. SESSIONS), the Senator from Arkansas (Mr. HUTCHINSON), the Senator from New Hampshire (Mr. GREGG), the Senator from Montana (Mr. BURNS), the Senator from Wyoming (Mr. ENZI), the Senator from Maine (Ms. COLLINS), the Senator from Kansas (Mr. BROWNBACK), the Senator from Missouri (Mr. ASHCROFT), the Senator from Minnesota (Mr. GRAMS), the Senator from Nebraska (Mr. HAGEL), the Senator from Utah (Mr. BENNETT), the Senator from Tennessee (Mr. FRIST), the Senator from Wyoming (Mr. THOMAS), the Senator from Michigan (Mr. ABRAHAM), the Senator from Oregon (Mr. SMITH), the Senator from Ohio (Mr. DEWINE), the Senator from Kentucky (Mr. BUNNING), the Senator from Illinois (Mr. FITZGERALD), the Senator from Idaho (Mr. CRAPO), and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. 269, a bill to state the policy of the United States regarding the deployment of a missile defense system capable of defending the territory of the United States against limited ballistic missile attack.

S. 270

At the request of Mr. WARNER, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 270, a bill to improve pay and retirement equity for members of the Armed Forces, and for other purposes.

S. 279

At the request of Mr. MCCAIN, the names of the Senator from Missouri (Mr. ASHCROFT), and the Senator from Michigan (Mr. ABRAHAM) were added as cosponsors of S. 279, a bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age.

S. 285

At the request of Mr. MCCAIN, the names of the Senator from California (Mrs. BOXER), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Missouri (Mr. BOND) were added as cosponsors of S. 285, a bill to amend title II of the Social Security Act to restore the link between the maximum amount of earnings by blind individuals permitted without demonstrating ability to engage in substantial gainful activity and the exempt amount permitted in determining excess earnings under the earnings test.

S. 298

At the request of Mr. SHELBY, the names of the Senator from Alabama (Mr. SESSIONS) and the Senator from Alaska (Mr. MURKOWSKI) were added as cosponsors of S. 298, a bill to amend the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) to clarify that donations of hard and soft money by foreign nationals are prohibited.

S. 331

At the request of Mr. JEFFORDS, the names of the Senator from Missouri (Mr. BOND) and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. 331, a bill to amend the Social Security Act to expand the availability of health care coverage for working individuals with disabilities, to establish a Ticket to Work and Self-Sufficiency Program in the Social Security Administration to provide such individuals with meaningful opportunities to work, and for other purposes.

SENATE JOINT RESOLUTION 6

At the request of Mr. HOLLINGS, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of Senate Joint Resolution 6, A joint resolution proposing an amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections.

AMENDMENTS SUBMITTED

SOLDIERS', SAILORS', AIRMEN'S, AND MARINES' BILL OF RIGHTS ACT OF 1999

CLELAND AMENDMENT NO. 4

(Ordered to lie on the table.)

Mr. CLELAND submitted an amendment intended to be proposed by him to the bill (S. 4) to improve pay and retirement equity for members of the Armed Forces; and for other purposes; as follows:

At the end of title I, add the following new sections:

SEC. 104. THREE-YEAR EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF CERTAIN BONUSES AND SPECIAL PAYS.

(a) AVIATION OFFICER RETENTION BONUS.—Section 301b(a) of title 37, United States Code, is amended by striking ''December 31, 1999,'' and inserting ''December 31, 2002,''.

(b) REENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 308(g) of title 37, United States Code, is amended by striking ''December 31, 1999'' and inserting ''December 31, 2002''.

(c) ENLISTMENT BONUSES FOR MEMBERS WITH CRITICAL SKILLS.—Sections 308a(c) and 308f(c) of title 37, United States Code, are each amended by striking ''December 31, 1999'' and inserting ''December 31, 2002''.

(d) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFICERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section 312(e) of title 37, United States Code, is amended by striking ''December 31, 1999'' and inserting ''December 31, 2002''.

(e) NUCLEAR CAREER ACCESSION BONUS.—Section 312b(c) of title 37, United States

Code, is amended by striking ''December 31, 1999'' and inserting ''December 31, 2002''.

(f) NUCLEAR CAREER ANNUAL INCENTIVE BONUS.—Section 312c(d) of title 37, United States Code, is amended by striking ''any fiscal year beginning before October 1, 1998, and the 15-month period beginning on that date and ending on December 31, 1999'' and inserting ''the 15-month period beginning on October 1, 1998, and ending on December 31, 1999, and any year beginning after December 31, 1999, and ending before January 1, 2003''.

SEC. 105. THREE-YEAR EXTENSION OF CERTAIN BONUSES AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.

(a) SPECIAL PAY FOR HEALTH PROFESSIONALS IN CRITICALLY SHORT WARTIME SPECIALTIES.—Section 302g(f) of title 37, United States Code, is amended by striking ''December 31, 1999'' and inserting ''December 31, 2002''.

(b) SELECTED RESERVE REENLISTMENT BONUS.—Section 308b(f) of title 37, United States Code, is amended by striking ''December 31, 1999'' and inserting ''December 31, 2002''.

(c) SELECTED RESERVE ENLISTMENT BONUS.—Section 308c(e) of title 37, United States Code, is amended by striking ''December 31, 1999'' and inserting ''December 31, 2002''.

(d) SPECIAL PAY FOR ENLISTED MEMBERS ASSIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section 308d(c) of title 37, United States Code, is amended by striking ''December 31, 1999'' and inserting ''December 31, 2002''.

(e) SELECTED RESERVE AFFILIATION BONUS.—Section 308e(e) of title 37, United States Code, is amended by striking ''December 31, 1999'' and inserting ''December 31, 2002''.

(f) READY RESERVE ENLISTMENT AND REENLISTMENT BONUS.—Section 308h(g) of title 37, United States Code, is amended by striking ''December 31, 1999'' and inserting ''December 31, 2002''.

(g) PRIOR SERVICE ENLISTMENT BONUS.—Section 308i(f) of title 37, United States Code, is amended by striking ''December 31, 1999'' and inserting ''December 31, 2002''.

(h) REPAYMENT OF EDUCATION LOANS FOR CERTAIN HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED RESERVE.—Section 16302(d) of title 10, United States Code, is amended by striking ''January 1, 2000'' and inserting in lieu thereof ''January 1, 2003''.

SEC. 106. THREE-YEAR EXTENSION OF CERTAIN BONUSES AND SPECIAL PAY AUTHORITIES FOR NURSE OFFICER CANDIDATES, REGISTERED NURSES, AND NURSE ANESTHETISTS.

(a) NURSE OFFICER CANDIDATE ACCESSION PROGRAM.—Section 2130a(a)(1) of title 10, United States Code, is amended by striking ''December 31, 1999'' and inserting ''December 31, 2002''.

(b) ACCESSION BONUS FOR REGISTERED NURSES.—Section 302d(a)(1) of title 37, United States Code, is amended by striking ''December 31, 1999'' and inserting ''December 31, 2002''.

(c) INCENTIVE SPECIAL PAY FOR NURSE ANESTHETISTS.—Section 302e(a)(1) of title 37, United States Code, is amended by striking ''December 31, 1999'' and inserting in lieu thereof ''December 31, 2002''.

• Mr. CLELAND. Mr. President, I intend to offer an amendment to S. 4 when it is debated in the Senate to extend the authority to pay certain bonuses and special pays for three years. These special incentives are critical to recruiting and retention of military personnel. This amendment will be a significant improvement to S. 4 because it is narrowly focused on enlistment and retention incentives.

Although these bonuses and special pays are in effect now, the authority to pay them expires on December 31, 1999.

These bonuses and special pays are proven recruiting and retention incentives. Our Service Personnel Chiefs need to know that they will continue to be available for the long term to address recruiting and retention shortfalls. They should not have to wonder if the authority to pay them will be renewed a year at a time.

By extending the authority to pay these bonuese and special pays for three years, we give the Services valuable tools the Chiefs need to address a very real and complex problem.•

ROBB (AND OTHERS) AMENDMENT NO. 5

(Ordered to lie on the table.)

Mr. ROBB (for himself, Mr. KENNEDY, and CLELAND) submitted an amendment intended to be proposed by them to the bill, S. 4, supra; as follows:

At the end of title I, add the following new sections:

SEC. 104. INCREASE IN RATE OF DIVING DUTY SPECIAL PAY.

(a) INCREASE.—Section 304(b) of title 37, United States Code, is amended—

(1) by striking ''$200'' and inserting ''$240''; and

(2) by striking ''$300'' and inserting ''$340''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1999, and shall apply with respect to special pay paid under section 304 of title 37, United States Code, for months beginning on or after that date.

SEC. 105. INCREASE IN MAXIMUM AMOUNT AUTHORIZED FOR REENLISTMENT BONUS FOR ACTIVE MEMBERS.

(a) INCREASE IN MAXIMUM AMOUNT.—Section 308(a)(2)(B) of title 37, United States Code, is amended by striking ''$45,000'' and inserting ''$60,000''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1999, and shall apply with respect to reenlistment bonuses paid under section 308 of title 37, United States Code, on or after that date.

SEC. 106. INCREASE IN ENLISTMENT BONUS FOR MEMBERS WITH CRITICAL SKILLS.

(a) INCREASE.—Section 308a(a) of title 37, United States Code, is amended in the first sentence by striking ''$12,000'' and inserting ''$20,000''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1999, and shall apply with respect to enlistment bonuses paid under section 308a of title 37, United States Code, on or after that date.

SEC. 107. INCREASE IN SPECIAL PAY AND BONUSES FOR NUCLEAR-QUALIFIED OFFICERS.

(a) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFICERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section 312(a) of title 37, United States Code, is amended by striking ''$15,000'' and inserting ''$25,000''.

(b) NUCLEAR CAREER ACCESSION BONUS.—Section 312b(a)(1) of title 37, United States Code, is amended by striking ''$10,000'' and inserting ''$20,000''.

(c) NUCLEAR CAREER ANNUAL INCENTIVE BONUSES.—Section 312c of title 37, United States Code, is amended—

(1) in subsection (a)(1), by striking ''$12,000'' and inserting ''$22,000''; and

(2) in subsection (b)(1), by striking ''$5,500'' and inserting ''$10,000''.

(d) EFFECTIVE DATE.—(1) The amendments made by this section shall take effect on October 1, 1999.

(2) The amendments made by subsections (a) and (b) shall apply with respect to agreements accepted under section 312(a) and 312b(a), respectively, of title 37, United States Code, on or after October 1, 1999.

SEC. 108. INCREASE IN MAXIMUM MONTHLY RATE AUTHORIZED FOR FOREIGN LANGUAGE PROFICIENCY PAY.

(a) INCREASE IN MAXIMUM MONTHLY RATE.—Section 316(b) of title 37, United States Code, is amended by striking ''$100'' and inserting ''$300''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1999, and shall apply with respect to foreign language proficiency pay paid under section 316 of title 37, United States Code, for months beginning on or after that date.

SEC. 109. CAREER ENLISTED FLYER INCENTIVE PAY.

(a) INCENTIVE PAY AUTHORIZED.—(1) Chapter 5 of title 37, United States Code, is amended by inserting after section 301e the following new section 301f:

''§ 301f. Incentive pay: career enlisted flyers

''(a) PAY AUTHORIZED.—An enlisted member described in subsection (b) may be paid career enlisted flyer incentive pay as provided in this section.

''(b) ELIGIBLE MEMBERS.—(1) Under regulations prescribed by the Secretary concerned, an enlisted member referred to in subsection (a) is an enlisted member of the armed forces who—

''(A) is entitled to basic pay under section 204 of this title or is entitled to compensation under section 206 of this title;

''(B) holds the qualification and designation of an enlisted military occupational specialty or enlisted military rating designated as a career enlisted flyer specialty or rating by the Secretary concerned, or is in training leading to such qualification and designation;

''(C) is qualified for aviation service; and

''(D) remains in aviation service on a career basis as provided in this section.

''(2) Payment of career enlisted flyer incentive pay under this section to a member described in paragraph (1) who is entitled to compensation under section 206 of this title shall be as provided in subsection (g).

''(c) AMOUNT OF INCENTIVE PAY.—The amount of monthly incentive pay paid to an enlisted member under this section may not exceed the following:

''Years of aviation service	Monthly rate
4 or less	$150
Over 4	$225
Over 8	$350
Over 14	$400

''(d) BASIS OF PAYMENT.—(1) Subject to subsections (e) and (f), an enlisted member entitled to career enlisted flyer incentive pay under this section shall be paid such pay on a continuous monthly basis.

''(2) An enlisted member entitled to career enlisted flyer incentive pay under this section who is not paid such pay on a continuous monthly basis by reason of the provisions of this section shall be paid career enlisted flyer incentive pay under this section on a month-to-month basis for the frequent and regular performance of operational flying duty.

''(e) PAYMENT ON CONTINUOUS MONTHLY BASIS DEPENDENT ON SATISFACTION OF FLYING DUTY REQUIREMENTS.—(1) An enlisted member entitled to career enlisted flyer incentive pay under this section shall be entitled to payment of such pay on a continuous monthly basis under subsection (d)(1) only if the

enlisted member has performed operational flying duty as follows:

''(A) For 6 years of the first 10 years of aviation service of the member.

''(B) For 9 years of the first 15 years of aviation service of the member.

''(C) For 14 years of the first 20 years of aviation service of the member.

''(2)(A) Subject to subparagraph (B), the Secretary concerned may waive a requirement for years of service of performance of operational flying duty under paragraph (1) as a condition for the payment of career enlisted flyer incentive pay under this section on a continuous monthly basis if the Secretary concerned determines that the waiver is necessary for the needs of the armed force. The Secretary concerned may waive such requirement only on a case-by-case basis.

''(B) The Secretary concerned may waive a requirement under subparagraph (A) only in the case of an enlisted member who has performed operational flying duty as follows:

''(i) For 5 years of the first 10 years of aviation service of the member.

''(ii) For 8 years of the first 15 years of aviation service of the member.

''(iii) For 12 years of the first 20 years of aviation service of the member.

''(C) The Secretary concerned may delegate the authority to waive a requirement under subparagraph (A), but not to an official or officer below the level of service personnel chief.

''(3) An enlisted member whose entitlement to payment of career enlisted flyer incentive pay under this section on a continuous monthly basis is terminated by reason of the member's failure to satisfy a requirement for years of service of performance of operational flying duty under paragraph (1) may be paid such pay on a continuous monthly basis commencing as of the first year after such failure in which the member satisfies a requirement under that paragraph.

''(f) TERMINATION OF PAYMENT ON CONTINUOUS MONTHLY BASIS AFTER 25 YEARS OF AVIATION SERVICE.—An enlisted member who completes 25 years of aviation service is not entitled to payment of career enlisted flyer incentive pay under this section on a continuous monthly basis.

''(g) PAYMENT TO MEMBERS OF RESERVES COMPONENTS PERFORMING INACTIVE DUTY TRAINING.—(1) Under regulations prescribed by the Secretary concerned and to the extent provided in appropriations Acts, a member entitled to compensation under section 206 of this title who meets the requirements for entitlement to career enlisted flyer incentive pay under this section may be paid an increase in compensation in an amount equal to 1/30 of the monthly rate of career enlisted flyer incentive pay specified in subsection (c) for an enlisted member of corresponding years of aviation service who is entitled to basic pay.

''(2) An enlisted member described in paragraph (1) may be paid an increase in compensation in accordance with that paragraph for as long as the member is qualified for such increase under this section for—

''(A) each regular period of instruction or period of appropriate duty at which the member is engaged for at least two hours; or

''(B) the performance of such other equivalent training, instruction, duty, or appropriate duties as are prescribed by the Secretary concerned under section 206(a) of this title.

''(h) NONAPPLICABILITY TO MEMBERS RECEIVING HAZARDOUS DUTY INCENTIVE PAY OR SPECIAL PAY FOR DIVING DUTY.—A member receiving incentive pay under section 301(a) of this title or special pay under section 304 of this title may not be paid special pay under this section for the same period of service.

''(i) DEFINITIONS.—In this section:

''(1) The term 'aviation service' means service performed, under regulations prescribed by the Secretary concerned, by a designated career enlisted flyer.

''(2) The term 'operational flying duty' means—

''(A) flying performed under competent orders while serving in assignments in which basic flying skills normally are maintained in the performance of assigned duties as determined by the Secretary concerned; and

''(B) flying duty performed by members in training that leads to the award of an enlisted aviation rating or military occupational specialty designated as a career enlisted flyer rating or specialty by the Secretary concerned.''.

(2) The table of sections at the beginning of chapter 5 of title 37, United States Code, is amended by inserting after the item referring to section 301e the following new item:

''301f. Incentive pay; career enlisted flyers.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1999.

(c) SAVE PAY PROVISION.—In the case of an enlisted member who is an air weapons controller entitled to receive incentive pay under section 301(c)(2)(A) of title 37, United States Code, as of October 1, 1999, the member shall be entitled as of that date to payment of incentive pay at the monthly rate that is the higher of—

(1) the monthly rate of incentive pay authorized by such section 301(c)(2)(A) as of September 30, 1999; or

(2) the monthly rate of incentive pay authorized by section 301f of title 37, United States Code, as added by subsection (a).

SEC. 110. RETENTION BONUS FOR SPECIAL WARFARE OFFICERS EXTENDING PERIODS OF ACTIVE DUTY.

(a) BONUS AUTHORIZED.—(1) Chapter 5 of title 37, United States Code, is amended by inserting after section 301f, as added by section 109(a) of this Act, the following new section:

''§ 301g. Special pay: special warfare officers extending period of active duty

''(a) BONUS AUTHORIZED.—A special warfare officer described in subsection (b) who executes a written agreement to remain on active duty in special warfare service for at least one year may, upon the acceptance of the agreement by the Secretary concerned, be paid a retention bonus as provided in this section.

''(b) COVERED OFFICERS.—A special warfare officer referred to in subsection (a) is an officer of a uniformed service who—

''(1) is qualified for and serving in a military occupational specialty or designator identified by the Secretary concerned as a special warfare military occupational specialty or designator;

''(2) is in pay grade O–3 or O–4 and is not on a promotion list to pay grade O–5 at the time the officer applies for an agreement under this section;

''(3) has completed at least 6 but not more than 14 years of active commissioned service; and

''(4) has completed any service commitment incurred through the officer's original commissioning program.

''(c) AMOUNT OF BONUS.—The amount of a retention bonus paid under this section may not be more than $15,000 for each year covered by the written agreement.

''(d) PRORATION.—The term of an agreement under subsection (a) and the amount of the bonus payable under subsection (c) may be prorated as long as such agreement does not extend beyond the date on which the officer making such agreement would complete 14 years of active commissioned service.

''(e) PAYMENT.—Upon acceptance of a written agreement under subsection (a) by the Secretary concerned, the total amount payable pursuant to the agreement becomes fixed and may be paid—

''(1) in a lump sum equal to the amount of half the total amount payable under the agreement at the time the agreement is accepted by the Secretary concerned followed by payments of equal annual installments on the anniversary of the acceptance of the agreement until the payment in full of the balance of the amount that remains payable under the agreement after the payment of the lump sum amount under this paragraph; or

''(2) in graduated annual payments under regulations prescribed by the Secretary concerned with the first payment payable at the time the agreement is accepted by the Secretary concerned and subsequent payments on the anniversary of the acceptance of the agreement.

''(f) ADDITIONAL PAY.—A retention bonus paid under this section is in addition to any other pay and allowances to which an officer is entitled.

''(g) REPAYMENT.—(1) If an officer who has entered into a written agreement under subsection (a) and has received all or part of a retention bonus under this section fails to complete the total period of active duty specified in the agreement, the Secretary concerned may require the officer to repay the United States, on a pro rata basis and to the extent that the Secretary determines conditions and circumstances warrant, all sums paid the officer under this section.

''(2) An obligation to repay the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

''(3) A discharge in bankruptcy under title 11 that is entered less than five years after the termination of a written agreement entered into under subsection (a) does not discharge the officer signing the agreement from a debt arising under such agreement or under paragraph (1).

''(h) REGULATIONS.—The Secretaries concerned shall prescribe regulations to carry out this section, including the definition of the term 'special warfare service' for purposes of this section. Regulations prescribed by the Secretary of a military department under this section shall be subject to the approval of the Secretary of Defense.''.

(2) The table of section at the beginning of chapter 5 of title 37, United States Code, as amended by section 109(a) of this Act, is amended by inserting after the item relating to section 301f the following new item:

''301g. Special pay: special warfare officers extending period of active duty.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1999.

SEC. 111. RETENTION BONUS FOR SURFACE WARFARE OFFICERS EXTENDING PERIODS OF ACTIVE DUTY.

(a) BONUS AUTHORIZED.—(1) Chapter 5 of title 37, United States Code, is amended by inserting after section 301g, as added by section 110(a) of this Act, the following new section:

''§ 301h. Special pay: surface warfare officers extending period of active duty

''(a) SPECIAL PAY AUTHORIZED.—(1) A surface warfare officer described in subsection (b) who executes a written agreement described in paragraph (2) may, upon the acceptance of the agreement by the Secretary concerned, be paid a retention bonus as provided in this section.

''(2) An agreement referred to in paragraph (1) is an agreement in which the officer concerned agrees—

''(A) to remain on active duty for at least two years and through the tenth year of active commissioned service; and

''(B) to complete tours of duty to which the officer may be ordered during the period covered by subparagraph (A) as a department head afloat.

''(b) COVERED OFFICERS.—A surface warfare officer referred to in subsection (a) is an officer of the Regular Navy or Naval Reserve on full-time active duty who—

''(1) is designated and serving as a surface warfare officer;

''(2) is in pay grade O–3 at the time the officer applies for an agreement under this section;

''(3) has been selected for assignment as a department head on a surface ship;

''(4) has completed at least four but not more than eight years of active commissioned service; and

''(5) has completed any service commitment incurred through the officer's original commissioning program.

''(c) AMOUNT OF BONUS.—The amount of a retention bonus paid under this section may not be more than $15,000 for each year covered by the written agreement.

''(d) PRORATION.—The term of an agreement under subsection (a) and the amount of the bonus payable under subsection (c) may be prorated as long as such agreement does not extend beyond the date on which the officer making such agreement would complete 10 years of active commissioned service.

''(e) PAYMENT.—Upon acceptance of a written agreement under subsection (a) by the Secretary of the Navy, the total amount payable pursuant to the agreement becomes fixed and may be paid—

''(1) in a lump sum equal to the amount of half the total amount payable under the agreement at the time the agreement is accepted by the Secretary of the Navy followed by payments of equal annual installments on the anniversary of the acceptance of the agreement until the payment in full of the balance of the amount that remains payable under the agreement after the payment of the lump sum amount under this paragraph; or

''(2) in equal annual payments with the first payment payable at the time the agreement is accepted by that Secretary and subsequent payments on the anniversary of the acceptance of the agreement.

''(f) ADDITIONAL PAY.—A retention bonus paid under this section is in addition to any other pay and allowances to which an officer is entitled.

''(g) REPAYMENT.—(1) If an officer who has entered into a written agreement under subsection (a) and has received all or part of a retention bonus under this section fails to complete the total period of active duty specified in the agreement, the Secretary of the Navy may require the officer to repay the United States, on a pro rata basis and to the extent that that Secretary determines conditions and circumstances warrant, all sums paid under this section.

''(2) An obligation to repay the United States imposed under paragraph (1) is for all purposes a debt owned to the United States.

''(3) A discharge in bankruptcy under title 11 that is entered less than five years after the termination of a written agreement entered into under subsection (a) does not discharge the officer signing the agreement from a debt arising under such agreement or under paragraph (1).

''(h) REGULATIONS.—The Secretary of the Navy shall prescribe regulations to carry out this section.''.

(2) The table of sections at the beginning of chapter 5 of title 37, United States Code, is amended by inserting after the item relating to section 301g, as added by section 110(a) of this Act, the following new item:

''301h. Special pay: surface warfare officers extending period of active duty.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1999.

● Mr. ROBB. Mr. President, the men and women of the Armed Forces are being asked to do more and more with less and less, to the point where it is becoming difficult to recruit and retain the best and brightest. Looking at just two salient examples, last year the Navy's recruiting efforts fell short by over 7,000 sailors, and last year Air Force first-term aircrew reenlistment was only 61 percent.

To help meet these and other personnel challenges, the Armed Services Committee recently approved S. 4, the Soldiers', Sailors', Airmens' and Marines' Bill of Rights Act of 1999. S. 4 authorizes significant pay raises, improves retirement pay, and enhances GI Bill benefits. This legislation will be brought up soon for consideration by the full Senate. It is an important step—one of several—that the Congress must take this year to help the military pull out of what the Chairman of the Joint Chiefs described as a ''nosedive that might cause irreparable damage to this great force.''

But I believe S. 4 missed some excellent opportunities to directly improve recruiting and retention—opportunities recognized by the Administration in their FY 2000 defense budget submission. In particular, certain categories of military service present our most difficult retention challenges because they involve recruiting highly skilled personnel, providing costly training, and retaining these individuals in the face of uniquely difficult and dangerous missions coupled with powerful financial incentives to leave the military for the civilian sector. Examples include aircrews, Navy SEALs, and Navy Surface Warfare Officers.

Only 25 percent of Surface Warfare Officers remain on active duty to their Department Head tour. In the Navy SEAL community, attrition has increased over 15 percent in the past three years. FY 1998 Navy diver manning was below 85 percent. That same year, only about 60 percent of military career linguists met or exceeded the minimum requirements in listening or reading proficiency. A host of retention problems exist for Nuclear-Qualified Officers.

This amendment which I am filing today along with Senator KENNEDY and Senator CLELAND does several things. It provides bonuses for Surface Warfare Officers and Navy SEALs to encourage them to remain in the service. It provides added pay for enlisted aircrews. Several existing bonuses are increased, including those for divers, Nuclear Qualified Officers, linguists and other critical specialties. Finally, the Enlistment Bonus Ceiling is increased. These are critical remedies for critical specialties. The nation simply can't afford to pay so much to recruit and train these talented individuals only to see them leave the service out of frustration over the inadequacies of their pay and benefits.

Mr. President, I look forward to offering this amendment to S. 4 when it is taken up by the Senate. I also want to thank Senators CLELAND and KENNEDY for their help in developing this provision and for their unequivocal commitment to the uniformed personnel who serve our nation so ably.●

NOTICE OF HEARING

COMMITTEE ON SMALL BUSINESS

Mr. BOND. Mr. President, I wish to announce that the Committee on Small Business will hold its Organizational Meeting for the 106th Congress on Friday, February 5, 1999, which will begin at 9 a.m. in room 428A of the Russell Senate Office Building.

Immediately following the organizational meeting, we will turn to official committee business including: (1) marking up and reporting out S. 314, Small Business Year 2000 Readiness Act; (2) marking up and reporting out of the Small Business Investment Company Technical Corrections Act of 1999; and (3) taking up the nomination of Phyllis Fong to be inspector general of the Small Business Administration.

For further information, please contact Emilia DiSanto or Paul Cooksey at 224–5175.

ADDITIONAL STATEMENTS

PATIENTS' BILL OF RIGHTS

● Mr. SARBANES. Mr. President, today I rise to express my support for S. 6, the Patients' Bill of Rights Act, a bill to guarantee all Americans with private health insurance, and particularly those in HMOs or other managed care plans, certain fundamental rights regarding their health care coverage.

Over the past decease, our health care system has changed dramatically. Today, approximately 161 million Americans receive medical coverage through some type of managed care organization. Regrettably, the change has had some unfortunate consequences. Many in managed care plans experience increasing restrictions on their choice of doctors, growing limitations on their access to necessary treatment, and an overriding emphasis on cost cutting at the expense of quality.

This shift to managed care, largely a response to rapidly increasing medical costs, has resulted in a health care system overly driven by the need to secure healthy profit margins. The impact these market forces have on the health care Americans receive must be moderated. Access to quality health care is an essential human need, and in a democratic society, it must be recognized as a fundamental right.

Our bill would guarantee basic patient protections to all consumers of private insurance. It would ensure that patients receive the treatment they have been promised and have paid for. This bill would prevent HMOs and other health plans from arbitrarily interfering with doctors' decisions regarding the treatment their patients require.

Our bill would restore patients' ability to trust that their health care practitioners advice is driven solely by health concerns, not cost concerns. HMOs and other health care plans would be prohibited from restricting which treatment options doctors may discuss with their patients. In addition, our bill would outlaw the use of financial incentives to reward doctors for cutting costs by recommending against potentially necessary treatments.

One of the most critical patient protections that would be provided under our bill is guaranteed access to emergency care. The Patients' Bill of Rights Act would ensure that patients could go to any emergency room during a medical emergency without calling their health plan for permission first. Emergency room doctors could stabilize the patient and focus on providing them the care they need without worrying about payment until after the emergency has subsided.

S. 6 would also ensure that health plans provide their customers with access to specialists when needed because of the complexity and seriousness of the patient's sickness. This provision is extremely important to ensure that persons suffering from serious, ongoing conditions, like cancer, have access to care by oncologists or other specialists.

Many managed care plans provide exemplary coverage for their members, including innovative preventive care benefits, because they recognize that it is more efficient to keep people healthy than to treat them after they become ill. Unfortunately, not all plans are administered with this philosophy. Many Americans, enrolled in poorly run plans, are not obtaining the care they need and are entitled to receive. The improved health of millions of Americans depends on the enactment of this bill. It will establish Federal requirements ensuring that private health care plans provide their members with a minimum level of coverage. I urge my colleagues to join me in strongly supporting, S. 6, the Patients' Bill of Rights.●

TRIBUTE TO MR. TOM NUTTING, 1998 MERRIMACK CHAMBER OF COMMERCE BUSINESS OF THE YEAR RECIPIENT

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Tom Nutting, the recipient of the ''Business of the Year Award'' from the Merrimack Chamber of Commerce.

Tom began an electrical contracting business, Custom Electric, in 1983 with two employees. Today, his company employs fifteen people and continues to grow. He is described by his colleagues as a very enthusiastic, highly motivated businessman.

Tom has served as Director of the Board of the Merrimack Chamber of Commerce since 1993. He is a member of the Merrimack Village District Board of Directors and a member of the Association of Facilities Engineering.

Tom is also very active in the community. His business sponsors a Babe Ruth baseball team and he assists at a vocational/technical college. He helps to put together a yearly Golf Tournament and trade shows for the Chamber of Commerce. Every year, he sets up the holiday decorations in Fraser Square in Merrimack for all to enjoy.

As a former small business owner myself, I understand the hard work and dedication required for success in business. Once again, I wish to congratulate Tom Nutting on Custom Electric being selected as ''Business of the Year'' by the Merrimack Chamber of Commerce. It is a pleasure to represent him in the United States Senate.●

1998 CONNECTICUT STATE SOCCER CHAMPIONS

● Mr. DODD. Mr. President, I rise today to congratulate the Cromwell High School Boys' Varsity Soccer team for winning the 1998 Connecticut State Soccer Championship. This achievement reflects the proud soccer tradition that has been established at Cromwell High School and the outstanding caliber of its student athletes.

With a first-rate team and a phenomenal level of play, the Cromwell Panthers concluded their season with an impressive record of 20–1. The Panthers became known throughout Connecticut for their strong defensive play and balanced team of players. In soccer, as in so many sports, a blend of smart players and smart decisions results in victories. The Cromwell Panthers proved they have this combination. The strength of this team was demonstrated by their ability to hold their opponents to a total of only 6 goals for the entire season.

The state championship game was played with emotion against an equally talented opponent, the Old Saybrook Rams. Although the Panthers were favored to win, neither the team's coaches nor its athletes took victory for granted. After receiving two yellow cards in the first half and being outshot by their opponents for most of the game, the Panthers entered the second half with a refocused energy. The Panthers' first goal came late when Justin Linehan received a pass from Steve Dworak and sent the ball soaring just out of reach of the Rams' goalie. Steve repeated his superb passing performance when he sent a left cross pass to Mike Flanagan who headed the ball past a diving goalie with only two minutes left in the game. This final goal was a turning point in the game, bringing it to a 2–0 score in the Panther's favor and helping to guarantee their win.

This championship game also took on a more personal meaning for its players and, most especially, its head coach. Sadly, Coach Mike Pitruzzello's father, Manny, passed away a week before the start of the season. In his honor, Coach Pitruzzello dedicated the Panthers' second championship win to his late father. Even during a time of personal hardship, Coach Pitruzzello continued to guide and nurture his team to a near-perfect regular season and a championship win. Nothing better reflects his love for the sport and his players than the dedication Coach Pitruzzello has shown throughout this season. I am sure his father would have not only been proud of his son, but also honored by the sportsmanship exhibited by these talented young men on the field.

Winning a state championship is an exciting and gratifying moment for any young student athlete. In their win over the Old Saybrook Rams, the Cromwell Panthers demonstrated a talent they had perfected throughout their regular season with hard work and the guidance of an experienced and caring coaching staff. Furthermore, as with any team sport, it is not just one player who makes the amazing pass or singlehandedly scores the critical goal, but rather a cooperative effort from each player who offers his own special talent which ultimately adds to the success of the entire team. The Cromwell High School Boys' Varsity Soccer team exemplifies the true spirit of teamwork and tenacity, and it is because of those qualities that they are now the state champions.

At this time I would like to recognize all the members and coaches of the Boys' Varsity Soccer team and, again, congratulate them all on their momentous and well-deserved victory:

Head Coach Mike Pitruzzello, Assistant Coach Bruce Swanson, Freshman Coach John Harder, Paul Dworak, Steve Dworak, Tony Faienza, Mike Fazio, Mike Flanagan, Bryce Gibson, Eric Harrison, Nick Libera, Steve Libera, Justin Linehan, Shawn Maher, Jason Negrini, Mike Simeone, Ryan Steele, Ron Szymanski, Colin Whalen, and Sean Whalen.●

WORK INCENTIVES IMPROVEMENT ACT OF 1999

● Mr. ROTH. Mr. President, the great Leo Tolstoy once confided in his diary that he would be the unhappiest of men if he could not find a purpose for his life. As we all know, Tolstoy did, indeed, find purpose. As a novelist, philosopher, and social reformer, he brought entertainment, meaning, and direction into the lives of millions—his influence continuing even into our day and age.

The need to bring meaning and success into our lives—the need to have a purpose, to be anxiously engaged in a good cause—is, as Tolstoy pointed out,

one of the most basic in our nature. With this in mind, it is my pleasure to join Senators MOYNIHAN, JEFFORDS, and KENNEDY to introduce legislation that while simple in purpose will be infinite in application and influence. Our objective? To help people with disabilities go to work.

In 1990, Congress passed the Americans with Disabilities Act. That law made an important statement about this nation's commitment to independence and opportunity for people with disabilities. Since then, barriers that had made some of even the simplest daily tasks difficult or even impossible have been lifted. Millions of Americans have gone back to work or found their daily chores to be more accessible—easier to address and accomplish.

Despite these successes and the progress that has been made in the ensuing eight years, there are still serious obstacles for too many people with disabilities—obstacles that stand in the way of their realizing the most basic and important opportunity of getting a job.

With this legislation, we begin to address some of the remaining impediments to employment for people with disabilities. These include the lack of access to health insurance and fundamental job assistance.

At a hearing held by the Finance Committee last July, witness after witness testified about the importance of health insurance for people with disabilities trying to enter the workforce. Jeff Bangsberg of the Minnesota Consortium for Citizens with Disabilities put it best when he said that ''having appropriate, affordable health care is a critical factor in decisions people with disabilities make about working. Many individuals are afraid to work because they can't afford to lose access to continued Medicaid coverage.''

The simple fact, Mr. President, is that people with disabilities are often presented with a Catch-22 between working and losing their Medicaid or Medicare. This is a choice they should not have to make. But even modest earnings can result in a loss of eligibility for Medicaid or Medicare. Without health insurance, medical treatment often becomes prohibitively expensive for individuals with disabilities, and without medical treatment it becomes impossible for many to work.

My constituents in Delaware have made it clear that lack of access to health insurance is a real and seemingly insurmountable barrier to employment. Larry Henderson, Chair of Delaware's Developmental Disabilities Planning Council, supports our bill ''because it does not penalize persons with disabilities for working in that it allows for continued access to health care.''

Our bill is designed to empower States to break this cycle of uncertainty by making it possible for people with disabilities who choose to work to do so without jeopardizing health insurance access.

We do this by creating two new Medicaid options. The first option builds on a change enacted in the Balanced Budget Act of 1997 (BBA). That law allows States to permit people with disabilities to buy-in to Medicaid who would otherwise be eligible except that they earned too much. The new change would eliminate the income cap on this buy-in option.

The second Medicaid change would make it possible for States to permit a similar Medicaid buy-in option for individuals with a severe, medically determinable impairment who would otherwise lose eligibility because of medical improvement.

Let me also note that both Medicaid expansions would be voluntary on the part of each State.

Under both options, States would be able to set their own cost-sharing requirements for people with disabilities who enroll. States could require individuals buying into the program to pay 100 percent of premium costs in order to participate. The bill also extends Medicare Part A coverage for a ten-year trial period for individuals on SSDI who return to work.

In addition to these health coverage innovations, the bill also provides a user-friendly, public-private approach to job placement. Because of a new, innovative payment system, vocational rehabilitation agencies will be rewarded for helping people remain on the job, not just getting a job.

Mr. President, this combination of health care and job assistance will help disabled Americans succeed in the work place. And our society will be enriched by unleashing the creativity and industry of people with disabilities eager to go to work.

I encourage my colleagues to cosponsor this legislation. And it is my intention to hole a hearing on the bill in the Finance Committee next week and mark it up later this spring.●

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BATTLESHIP ''MISSOURI'' MEMORIAL

● Mr. BOND. Mr. President, I rise today because this is a special day in our nation's history. On this day in 1944, Harry S. Truman, a proud Missourian and U.S. Senator at the time, authorized the christening of the U.S.S. *Missouri*. The *Missouri* is this country's last and most celebrated battleship. Senator Truman's 19-year old daughter, Margaret, christened this great battleship and sent the ''Mighty Mo'' and her crew on missions for our Armed Forces in World War II, the Korean War, and Operations Desert Storm—a time of service spanning nearly half a century. Today she begins a new era of service as a memorial to educate and remind new generations of Americans about the great sacrifices and even greater victories that have occurred during her military service. She is a symbol of American triumph and spirit as she majestically stands watch over the U.S.S. *Arizona* memorial in Pearl Harbor, Hawaii.

Today, in this unstable world, we should re-commit ourselves to honoring lasting symbols of unity and dedication. The 900-foot Battleship *Missouri* is one such symbol. This era of patriotism, sacrifice, bravery, and duty will not be forgotten, and in fact must be revered, remembered, and taught to our children and grandchildren.

For the United States, World War II began with a surprise attack on the naval base at Pearl Harbor on December 7, 1941. It finally ended on the decks of the ''Mighty Mo'' on September 2, 1945. On that day, General Douglas MacArthur, Supreme Commander of the Allied Powers, and Chester Nimitz, Fleet Admiral of the U.S. Navy, signed the Instrument of Surrender on behalf of the Allied Powers and the United States. It is a moment that will now forever be immortalized to America and citizens of the world.

Most importantly, we need to remember that the ''Mighty Mo'' would not have played such an important role without the brave and true service of America's servicemen and their families. These men risked their lives at great personal sacrifice, all in the name of our country. They are the backbone of the great history of the U.S.S. *Missouri*. Many of these veterans are form the State of Missouri, including Seaman John C. Truman, the nephew of our 33rd president.

Today, January 29, 1999, is yet another significant day in the service of the U.S.S. *Missouri*—for today she opens permanently to the public as the Battleship Missouri Memorial. I urge all Missourians and all Americans to go see this great ship and experience her glorious history firsthand. I thank the U.S. Navy and the U.S.S. Missouri Memorial Association for creating such a special memorial for the world to enjoy for generations to come.

Congratulations to all involved for getting this memorial up and running. Congratulations to my friend Senator DANIEL INOUYE, who has been personally involved in this project. Finally, congratulations to the U.S. Navy, the people of Hawaii, the people of Missouri, and all Americans who now have the opportunity to visit and experience a crucial part of our great state's heritage.●

NATIONAL APPRECIATION DAY FOR CATHOLIC SCHOOLS

● Mr. FITZGERALD. Mr. President, today I want to recognize National Appreciation Day for Catholic Schools, a day to acknowledge the important and valuable contributions Catholic schools make to our nation's children, to local communities, and to the nation. Nationally, there are over 7.6 million students in 8,200 Catholic schools. In my home state of Illinois, there are over 215,000 students in 598 Catholic schools. In addition, I am a product of Catholic education, having attended Catholic schools for both elementary and high school.

Last year, 40 Catholic secondary schools were awarded the Excellence in Education Award, the nation's highest honor in education, by the U.S. Department of Education. In my home state, Boyland Catholic High School in Rockford, Illinois, was awarded the Excellence in Education Award for outstanding educational achievement.

Two students from St. Patrick School in Ottawa, Illinois, Justyna and Alexsandra Ratajczak, wrote me about how much they enjoy going to Catholic school. Justyna wrote that St. Patrick School ''is like a second home for me and I can not imagine my world without it.'' This girl's love of school testifies to the fact that Catholic schools are doing something right. Mr. President, I applaud Catholic schools and all their outstanding teachers for their high success rate among students and thank them for their important contribution to educating America's youth.●

TRIBUTE TO MR. BRAD PARKHURST, RECIPIENT OF THE 1998 MERRIMACK CHAMBER OF COMMERCE PRESIDENT'S AWARD

● Mr. SMITH of New Hampshire. Mr. President, I rise today to acknowledge and commend Mr. Brad Parkhurst. Brad was recently awarded the President's Award from the Merrimack Chamber of Commerce.

Brad has worked at Public Service of New Hampshire since 1974. During that time, he has held positions in Generation, Distribution and Marketing. He has worked since 1981 in the Marketing Support Department developing innovative ideas to unique consumer situations.

Brad has illustrious credentials as a member of the Merrimack Chamber of Commerce. He serves on the Board of Directors, is Chairman for the ''Swing into Spring'' Consumer Expo and has solicited sponsors for Consumer Expos.

Brad is also very involved in professional organizations. He serves as Associate Member Director and Chairman of the Associates Council of the Home Builders and Remodelers Association of New Hampshire. He is a member of the Building and Association Planning Committees and the Manchester Area Home Builders Association. He received the ''Associate of the Year'' award from the Home Builders and Remodelers Association in 1994 and 1996. He also serves on the Board of Directors of the National Association of Home Builders located in Washington, D.C.

Along with his professional credentials, Brad is also highly active in the community. He has been the treasurer of four non-profit organizations. He is an active member and Mission Director for the Merrimack Community Christian Church. He is the Director and Treasurer of Love Through Faith Ministries International, an organization that assists the poorest nations in the world. This past spring Brad and his wife Roxanne led a team to Guinea-Bissau to spend two weeks teaching and training the local population.

Once again, I would like to congratulate Brad Parkhurst on receiving the President's Award from the Merrimack Chamber of Commerce. It is an honor to represent him in the United States Senate.●

HARTFORD JOB CORPS CENTER

● Mr. DODD. Mr. President, today I recognize Hartford, Connecticut's selection as a site for a Job Corps Center. The Department of Labor recently announced that Connecticut's capital city was one of four locations selected nationwide. Many years of planning have gone into Hartford's bid and the new Center enjoys the enthusiastic support of leaders in government, business, education and job training. The selection is testimony to the commitment of the Hartford community to our most disadvantaged young people, and that is why I endorsed the city's strong proposal.

In 1995, the Department of Labor had requested proposals for Job Corps Center sites and Hartford's joint application with the city of Bloomfield was regarded highly. Unfortunately, the funding for proposed new Centers was rescinded in the middle of the review process and no new Job Corps Centers were selected. But Hartford, Connecticut residents did not give up and the Department of Labor vowed to honor its commitment to new Centers in the future.

Hartford, Connecticut is a thriving business and cultural center, headquarters to major insurance and financial centers and home to renown theater and art museums. It is situated on the banks of the historic Connecticut River which was heralded as an American Heritage River last year. Hartford is now embarking on a major waterfront residential, recreational and workplace development plan.

The city's overall unemployment rate is at 2.9 percent, but the unemployment rate for youth ages 16–19 is much higher. Despite Connecticut's economic recovery, too many young people are being left out of a job market that demands high-level skills. Hartford has many of the problems facing other large cities, including abandoned industrial sites, crumbling schools and double-digit highschool dropout rates. At one Hartford high school, the dropout rate was more than 50 percent last year. That statistic is unacceptable and why I support the need for a Job Corp Center in Hartford. It will make a critical difference in the lives of so many at-risk youth.

Job Corps has been providing education and training for disadvantaged youth for more than 34 years. The program is so successful because it is a voluntary year-round program offering education, training and support services, including meals, child care and counseling. It maintains a zero tolerance for drugs and violence.

Hartford is poised to undergo an economic revitalization and the Job Corps Center is a true investment in our most under-served youth. The city of Hartford and the state of Connecticut have committed $4 million toward the total development cost of $11.5 million and the Hartford Housing authority is contributing the site, valued at $420,000. The Center will be located on 12 acres in the Charter Oak Business Park being developed by the Housing Authority on the site of the former Charter Oak Terrace public housing project.

When completed in 2000, the Hartford center will serve more than 200 nonresidential students each year in basic education and vocational training programs and provide on-site child care. Many organizations have pledged resources to ensure the success of the Center and most important of all, employers stand ready to hire young people who complete the Job Corps program.

Mr. President, I congratulate the City of Hartford and I commend the Department of Labor for their selection.●

WORK INCENTIVES IMPROVEMENT ACT OF 1999

● Mr. GRASSLEY. Mr. President, I rise today in support of legislation introduced last week by Senators JEFFORDS, KENNEDY, ROTH, and MOYNIHAN. I commend my colleagues for their dedication to improving the way federal programs serve persons with disabilities. Continuing my support for this effort from last Congress, I am glad to announce that I joined my colleagues as an original co-sponsor this year of S. 331, The Work Incentives Improvement Act of 1999.

This bill addresses one of the great tragedies of our current disability system, a system that forces many people with disabilities to choose between working and maintaining access to necessary health benefits. This was never the intention of these programs. It is critical that we act now to overturn today's policies of disincentives towards work and replace them with thoughtful, targeted incentives that will enable many individuals with disabilities to return to work.

Over the years I have heard from Iowans who have been forced to leave the work force because of a disability. While they remain disabled and still require ongoing health benefits, they are eager to return to work. However, because of the risk of losing critical health benefits covered by Medicare and Medicaid, too many capable individuals are deterred from entering or re-entering the work force.

It is essential that our public disability programs encourage, not discourage, employment. This legislation tackles the risks and uncertainties disabled individuals face when trying to return to work. For individuals eligible for the Supplemental Security Income

(SSI) and Social Security Disability Insurance (SSDI) programs, this legislation provides for continued coverage of critical benefits under the Medicaid program, such as personal assistance and prescription drugs. These services are vital to many people with disabilities. Furthermore, this proposal would provide beneficiaries with unprecedented access to private rehabilitation services. Currently, the Social Security Administration is unable to refer many beneficiaries for rehabilitation. This legislation would create opportunities for beneficiaries of both the SSI and SSDI programs to access rehabilitation services from either the public or private sector, increasing choice, access and quality of these valuable services.

The most encouraging component of this legislative proposal is that which eliminates work disincentives and facilitates self-sufficiency among those with disabilities. This legislation prohibits using work activity as the only basis for triggering a continuing disability review. What's more, the proposal would expedite the process of eligibility determinations for individuals who have been on disability insurance but who lost it because they were working.

The risk of losing health care benefits provided through the Medicare and Medicaid programs is a major disincentive for millions of beneficiaries who want to be a part of our nation's dynamic workforce. The intent of these programs was never to demoralize or dishearten Americans who are ready, willing and able to work. I look forward to the passage of this legislation which will unlock the doors to employment for these invaluable citizens.●

RECOGNITION OF THE MISS USA VOLUNTEERS

● Mr. BOND. Mr. President, as you know, this year the Miss USA Pageant will be held in my home state of Missouri this Friday. I rise today to recognize the hard work and dedication of the nearly 400 volunteers from Branson, Missouri who have donated multiple hours to ensure that this year's pageant runs smoothly.

The volunteer corps is an integral part of the pageant. They operate the entire pageant as well as all of the events leading up to it. It is the tireless effort and the many behind the scenes hours of the volunteers that make this pageant successful year after year. This year will be no different, as the people of Branson have done a wonderful job.

This Friday night, as millions of people across the country and around the world look to Branson for the crowning of the next Miss USA, I encourage all Americans to recognize the effort of the citizens of Branson who won't appear on camera and whose names won't scroll across the screen. Mr. President, I now ask the Senate to join me in recognition of these unsung heroes of the Miss USA Pageant.●

TESTIMONY OF SENATOR SLADE GORTON TO THE SENATE HEALTH, EDUCATION, LABOR AND PENSIONS COMMITTEE

● Mr. GORTON. Mr. President, I ask that my testimony of January 26, 1999, in front of the Senate Health, Education, Labor, and Pensions Committee, regarding education reform be printed in the RECORD.

The testimony follows:

Mr. Chairman, members of the Committee, thank you for the invitation to testify here today. You have a significant task ahead—the reauthorization of the Elementary and Secondary Education Act. Today I will share what I believe is the proper role for the federal government in education policy.

When the original ESEA legislation passed in 1965, it included just over 30 pages. Today it is more than 300 pages long. The federal government has, with the best of intentions, vastly increased its role in the education of our children. What do we have to show for it? Virtually nothing.

The results of the Third International Math and Science Study were reported last year. Our high school's graduating seniors did not fare well. 12th grade students from the United States earned scores below the international average in both science and mathematics. In fact, the United States was outscored by 18 other countries in mathematics, coming in just ahead of Cyprus and South Africa. Verbal and combined SAT scores are lower today than they were in 1970.

For the last 35 years, Washington D.C.'s response to crises in public education has been to create one program after another—systematically increasing the federal role in classrooms across the country. While the exact number of federal education programs is subject to dispute, a report released last year by the House Education and the Workforce Committee found more than 700 such programs.

A review of the ''Digest of Education Statistics'', compiled by the Department of Education, shows that the federal government funds a multitude of federal education programs spread across 39 departments and agencies. Although the Digest shows that funding for these programs totaled $73.1 billion in 1997, it does not provide a list of the programs included. When asked, the Department was unable to provide a list.

One year ago, Dr. Carlotta Joyner of the General Accounting Office testified before the Senate Budget Committee Education Task Force. She informed us about 127 At-Risk and Delinquent Youth programs administered by 15 departments and agencies; more than 90 Early Childhood programs administered by 11 departments and agencies; and 86 Teacher Training programs administered by 9 departments and agencies.

The failure of these programs has not gone unnoticed. The federal government's largest education program, Title I, was developed as a part of the original ESEA in 1965 to narrow the achievement gap between rich and poor students. Chester Finn, in a recent article for the Weekly Standard, notes that despite pouring $118 billion into Title I over the past three decades, it has been unable to cause any significant improvement in the achievement of these needy children. Furthermore it is difficult to establish, as Dr. Finn also notes in his article, that the Safe and Drug Free Schools program has made schools either safe or drug free; that the Eisenhower professional development program has produced quality math and science teachers; or that Goals 2000 has moved us any closer to the national education goals set a decade earlier.

Such clear and compelling statistics demonstrate that, despite our best intentions, the federal government has failed to create a coherent set of programs that address the varied needs of children around the country. I submit to you that we have failed because we do not and can not possibly know and understand all the challenges faced by school children today.

Who does know best? It's simple. Our children's parents, teachers, principals, superintendents and school board members know much better than we what our school children need in their own communities. Even within my own State, the needs of children in Woodinville, Wenatchee and Walla Walla differ greatly. Those working closely with our children should be allowed to make more of the vital decisions regarding their education.

This is not to say that the federal government should not continue to target resources to needy populations. We can and should hold States and local communities accountable for results. But we must not begin from a point that immediately ties their hands and strangles innovation.

It is time for the federal government to try something new. I'm sure many of you have heard the success stories I have about innovative education practices taking place in the Chicago Public Schools. Paul Vallas, the CEO of the Chicago school system, recently addressed an audience here in Washington, D.C. to discuss the reforms he's instituted that have done so much to turn his school system around. When asked by former Secretary of Education William Bennett what the most important power was that he'd been given, Mr. Vallas replied, ''The flexibility to allocate our resources as we see fit.''

In 1995, the Illinois legislature gave that flexibility to Mr. Vallas and the Chicago system by combining all state education programs into two grants—one for special education and one for everything else. The legislature allowed Mr. Vallas and the Chicago School Board to decide how to allocate their resources.

A request for similar authority has been made recently by the Seattle School district, in this case to the federal government. Seattle has asked the Department of Education to waive several Title I rules and regulations so it can reform its schools' funding system. It wants to provide a system of open enrollment, in which students can enroll in public schools of their choice. Schools in the district would then be ranked by concentration of poverty. Those with more than a 50% concentration of poverty would receive Title I funds, and could use those funds on a schoolwide basis. Although the funds would be used to address the needs of all children in a school receiving the funds, particular attention would be given to those who require additional support in achieving state learning standards. It is unclear, however, that the U.S. Department of Education will allow the waiver necessary to implement this innovative reform. The point is, Seattle shouldn't have to ask.

I have introduced legislation twice in the past two years that would allow such innovative reforms to take place. Although my amendment passed the Senate on each occasion, it was removed in conference committee discussions under the threat of a veto by President Clinton. I want to let this Committee know that I intend to introduce legislation again that will accomplish my goals of giving states and local communities the ability to implement reforms that they believe will benefit their students and provide them with a quality education. It is, I believe, somewhat more flexible than the similar and meritorious bills introduced by Senators Bond and Hutchinson. To ensure that a

quality education is available I believe we need to trust the wisdom of those who spend each day with our children—their parents, teachers, principals, superintendents and school board members.●

TRIBUTE TO TERRIE ARCHAMBAULT, 1998 MERRIMACK CHAMBER OF COMMERCE BUSINESS PERSON OF THE YEAR

● Mr. SMITH of New Hampshire. Mr. President, I rise today to recognize and congratulate Terrie Archambault of New Hampshire for being selected by the Merrimack Chamber of Commerce as the ''1998 Business Person of the Year.''

Terrie began working with Citizens Bank in 1990 as a part-time teller and was quickly promoted through the ranks: first to customer service representative, then to assistant manager, and in 1996 she became manager of the Merrimack branch of Citizens Bank.

Terrie has shown an unwavering dedication to her community. She oversees a program at her branch called ''Bank at School.'' This program allows elementary school students to open new accounts, make deposits and, most importantly, learn the basics of personal banking. She organizes the collection of food and monetary donations for the Nashua Soup Kitchen and Shelter, and frequently helps serve food at the kitchen. In addition, through Operation Santa Claus at the Merrimack Lioness Club, Terrie helps provide Christmas gifts to families in need in her community.

Furthermore, Terrie's involvement with the Merrimack Chamber of Commerce has strengthened the Chamber's ties with the community. Currently serving as Secretary on the Executive Board, Terrie has secured sponsorships for several of the Chamber's events. Along with her husband Dan of 28 years, as well as her two childen and four grandchilden, Terrie is a positive influence on her community.

As a former small businessman myself, I understand the hard work and dedication required for success in business. Mr. President, I wish to congratulate Terrie Archambault for all of her accomplishments, and especially for being named the ''1998 Business Person of the Year.'' It is an honor to represent her in the United States Senate.●

TRIBUTE TO MILDRED JAMISON

● Mr. BOND. Mr. President, I rise today in recognition of Mildred Jamison for her hard work and dedication at The Faith House in North St. Louis, Missouri. The Faith House is a Child Caring/Placement Agency that is committed to helping children with special needs. Children that have been served by the Faith House include those that have been drug exposed, have HIV/AIDS, have been emotionally or sexually abused, are medically fragile (including transplant recipients and burn victims), physically and mentally challenged children, and those that are developmentally delayed. In the six years that The Faith House has contributed to the community, over 500 young lives have been changed by Ms. Jamison's vision.

I commend Ms. Jamison for her hard work and tireless dedication. I encourage communities across the nation to look to The Faith House as a model and inspiration for similar programs. It is my sincere hope that Ms. Jamison will continue to change young lives and enrich the community of North St. Louis for many years to come.●

NOTICE OF INTENT TO SUSPEND THE RULES OF THE SENATE BY SENATORS HARKIN AND WELLSTONE

In accordance to Rule V of the Standing Rules of the Senate, I (for myself and for Mr. WELLSTONE) hereby give notice in writing that it is my intention to move to suspend the following portions of the Rules of Procedures and Practice in the Senate When Sitting on Impeachment Trials in regard to debate by Senators on a motion during the trial of President William Jefferson Clinton:

(1) The phrase ''without debate'' in Rule VII;

(2) the following portion of Rule XX: '', unless the Senate shall direct the doors to be closed while deliberating upon its decisions. A motion to close the doors may be acted upon without objection, or, if objection is heard, the motion shall be voted on without debate by the yeas and nays, which shall be entered on the record''; and

(3) In Rule XXIV, the phrases ''without debate'', ''except when the doors shall be closed for deliberation, and in that case'' and '', to be had without debate''.

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(1) The phrase ''without debate'' in Rule VII;

(2) the following portion of Rule XX: '', unless the Senate shall direct the doors to be closed while deliberating upon its decisions. A motion to close the doors may be acted upon without objection, or, if objection is heard, the motion shall be voted on without debate by the yeas and nays, which shall be entered on the record''; and

(3) In Rule XXIV, the phrases ''without debate'', ''except when the doors shall be closed for deliberation, and in that case'' and '', to be had without debate''.

ORDERS FOR THURSDAY, FEBRUARY 4, 1999

Mr. GREGG. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 1 p.m. on Thursday, February 4. I further ask consent that upon reconvening Thursday and immediately following the prayer, the Senate resume consideration of the articles of impeachment. I further ask that when the Senate recesses as a court and resumes legislative session, the Journal of the proceedings be approved to date, the morning hour be deemed to have expired, and the time for the two leaders be reserved.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. GREGG. Mr. President, for the information of all Senators, tomorrow the Senate will resume consideration of the articles of impeachment. All Members are again reminded to please be in the Chamber a few minutes prior to 1 p.m. to receive the Chief Justice.

ADJOURNMENT UNTIL 1 P.M. TOMORROW

Mr. GREGG. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 3:13 p.m., adjourned until Thursday, February 4, at 1 p.m.

NOMINATIONS

Executive nominations received by the Secretary of the Senate January 29, 1999, under authority of the order of the Senate of January 6, 1999:

DEPARTMENT OF ENERGY

ROBERT WAYNE GEE, OF TEXAS, TO BE AN ASSISTANT SECRETARY OF ENERGY (FOSSIL ENERGY), VICE PATRICIA FRY GODLEY, RESIGNED.

Executive nominations received by the Senate February 3, 1999:

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES COAST GUARD RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203(A):

To be captain

GEORGE W. MOLESSA, JR., 0000

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER 14 U.S.C., SECTION 271:

To be commander

JAMES W. KELLY, 0000
KURT W. NANCARROW, 0000
DAVID D. SKEWES, 0000
DAVID L. JONES, 0000
WILLIE M. DUPRIEST, 0000
CHAD T. JASPER, 0000
MICHAEL F. RALL, 0000
ERIC M. LINTON, 0000
PETER S. MARSH, 0000
MICHAEL F. FLANAGAN, 0000
KARL R. BALDESSARI, 0000
MATTHEW E. CUTTS, 0000
WILLIAM H. TIMBS, 0000
KIRK E. HILES, 0000
THOMAS D. WADE, 0000
GILBERT E. TEAL, 0000
RICHARD H. SCHLATTER, 0000
JAMES E. RENDON, 0000
JOHN P. PHILBIN, 0000
KARL H. CALVO, 0000
TERRY D. GILBREATH, 0000
JOANNE CAFFREY, 0000
ROBERT M. DIEHL, 0000
RODERICK L. SMITH, 0000
LIAM J. SLEIN, 0000
JOHN J. MACALUSO, 0000
SCOTT P. LAROCHELLE, 0000
MICHAEL A. TEKESKY, 0000
THOMAS M. CULLEN, 0000
GERARD R. DOSTIE, 0000
JAMES A. SWEET, 0000
NICHOLAS J. STAGLIANO, 0000
DAVID J. SWATLAND, 0000
BRIAN J. MARVIN, 0000
SARAH J. SHORES, 0000
JOSEPH C. SINNETT, 0000
KENNETH D. NORRIS, 0000
PAUL J. RODEN, 0000
ERIC D. HULTMARK, 0000
MARK L. PORVAZNIK, 0000
MICHAEL F. LEONARD, 0000
JAMES J. O CONNER, 0000
JAMES B. KIDWELL, 0000
JACQUELINE A. STAGLIANO, 0000
BRYAN J. SEALE, 0000
PETER J. ZOHORSKY, 0000
PAUL F. GUINEE, 0000
DOUGLAS J. SMITH, 0000
ANTHONY J. PALAZZETTI, 0000
THOMAS J. VITULLO, 0000
EDWARD P. NAGLE, 0000
SCOTT W. ROBERT, 0000
CHARLES V. STRANGFELD, 0000
STEVEN L. HUDSON, 0000
ALAN M. MARSILIO, 0000
JENNIFER E. LAY, 0000
EDWARD P. SEEBALD, 0000
ROBERT S. WALTERS, 0000
JEFFREY S. LEE, 0000
KINGSLEY J. KLOSSON, 0000
LAWRENCE E. CORNWELL, 0000
MARK J. FALLER, 0000
KEITH P. STEINHOUSE, 0000

JOHN W. KOSTER, 0000
CHRISTOPHER B. CARTER, 0000
LEONARD W. ALLEN, 0000
JOSEPH R. SHERMAN, 0000
JOHN M. FELKER, 0000
PATRICK G. GERRITY, 0000
STEVEN M. HANEWICH, 0000
SCOTT J. FERGUSON, 0000
MICHAEL D. HARGADON, 0000
THOMAS M. SPARKS, 0000
KEITH D. HERCHENRODER, 0000
ALDA L. SIEBRANDS, 0000
PATRICK MERRIGAN, 0000
DAVID B. SPRACKLEN, 0000
LORNE W. THOMAS, 0000
JAMES M. MICHALOWSKI, 0000
KEVIN L. PETERSON, 0000
PAUL M. GUGG, 0000
MOLLY K. RIORDAN, 0000
TERRENCE J. PROKES, 0000
THOMAS F. TABRAH, 0000
DAVID M. POULSEN, 0000
BRUCE C. JONES, 0000
STEVEN J. DANIELCZYK, 0000
NEIL L. NICKERSON, 0000
MATTHEW J. SISSON, 0000
THOMAS D. HARRISON, 0000
ERIC A. WASHBURN, 0000
JAMES C. BASHELOR, 0000
SAM M. NEILL, 0000
MICHAEL S. KAZEK, 0000
ROBERT P. SHEAVES, 0000
PAUL W. SCHULTE, 0000
JOSEPH E. WAHLIG, 0000
THOMAS W. JONES, 0000
RAYMOND J. PERRY, 0000
SUSAN B. WOODRUFF, 0000
DONALD J. ROSE, 0000
ERIC A. CHAMBERLIN, 0000
MATTHEW R. BARRE, 0000
DANIEL A. RONAN, 0000
BRUCE D. BAFFER, 0000
MICHAEL J. ANDRES, 0000
GORDON K. WEEKS, 0000
JONATHAN H. NICKERSON, 0000
WILLIAM J. RALL, 0000
TIMOTHY A. CHERRY, 0000
BRIAN M. JUDGE, 0000
PATRICK J. DWYER, 0000
ANNE T. EWALT, 0000
GERALD D. DEAN, 0000
PETER B. WEDDINGTON, 0000
JOHN E. TOMKO, 0000
ROBERT M. DEAN, 0000
GEORGE J. STEPHANOS, 0000
SUZANNE E. ENGLEBERT, 0000
DONALD R. TRINER, 0000
STEVEN D. POULIN, 0000
PATRICK W. BRENNAN, 0000
THOMAS P. MARIAN, 0000
CARL J. UCHYTIL, 0000
MICHAEL H. ANDERSON, 0000
MARK S. CARMEL, 0000
CHRISTOPHER J. HALL, 0000
ROBERT E. SMITH, 0000
MICHAEL D. EMERSON, 0000
PAUL S. RATTE, 0000
MARTIN C. OARD, 0000
WILLIAM J. QUIGLEY, 0000
CHRIS G. KMIECIK, 0000
JOHN E. CAMERON, 0000
MICHAEL C. HUSAK, 0000
MICHAEL A. GIGLIO, 0000
DANIEL V. SVENSSON, 0000
BRIAN J. MERRILL, 0000
AARON C. DAVENPORT, 0000
PATRICIA L. MOUNTCASTLE, 0000
CARL T. ALAM, 0000
THOMAS C. PEDAGNO, 0000
BRIAN J. MUSSELMAN, 0000
JOHN R. BINGAMAN, 0000
MARK A. SWANSON, 0000
JEFFREY E. OGDEN, 0000
THOMAS S. BARONE, 0000
ERIC P. BROWN, 0000
CARI B. THOMAS, 0000
STEVEN M. STANCLIFF, 0000
JAMES E. MC CAFFREY, 0000
ALFRED C. FOLSOM, 0000
STEPHEN P. RAUSCH, 0000
VANN J. YOUNG, 0000
JAMES G. MAZZONNA, 0000
KEVIN D. HARKINS, 0000
CRAIG A. GILBERT, 0000
RUSSELL D. CONATSER, 0000
SCOTT A. BUSCHMAN, 0000
THEODORE F. HARROP, 0000
BRIAN D. PERKINS, 0000
DAVID M. HAWES, 0000
GARY W. MERRICK, 0000
RAYMOND W. MARTIN, 0000
MICHAEL B. CERNE, 0000
RICHARD M. KENIN, 0000
DOUGLAS R. MENDERS, 0000
LUANN BARNDT, 0000
DAVID A. MC BRIDE, 0000
JOSEPH W. BILLY, 0000
WILLIAM T. DOUGLAS, 0000
MATTHEW P. REID, 0000
CRAIG A. CORL, 0000
BRAD W. FABLING, 0000
JOHN T. HARDIN, 0000
JOHN J. SANTUCCI, 0000

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER 14 U.S.C., SECTION 271:

To be lieutenant commander

JAMES E. MALENE, 0000
BRIAN J. TETREAULT, 0000
GEORGE E. PELLISSIER, 0000
JOSE A. NEIVES, 0000
ROBERT P. YEREX, 0000
MARK W. ADAMS, 0000
HARRY S. WALKER, 0000
ERIC J. BERNHOLZ, 0000
CALLAN J. BROWN, 0000
WILLIAM L. CHANEY, 0000
SCOTT R. FRECK, 0000
JAYSON L. HELSEL, 0000
WILLIAM J. ANTONAKIS, 0000
SCOTT A. BUDKA, 0000
RICHARD F. RONCONE, 0000
DAVID J. FORD, 0000
FRANK D. WAKEFIELD, 0000
KIRK W. PICKERING, 0000
SAMUEL J. SUMPTER, 0000
EUGENE R. BOLDUC, 0000
DAVID C. HAYNES, 0000
JEFFREY D. GAFKJEN, 0000
DANIEL L. LEBLANC, 0000
MICHAEL P. MC CRAW, 0000
JEROME K. BRADFORD, 0000
ERIC M. GIESE, 0000
JOSEPH S. COST, 0000
JANE C. WONG, 0000
BRUCE C. FISHER, 0000
ROBERT T. SPAULDING, 0000
KARL L. FREY, 0000
MICHAEL G. CALLAHAN, 0000
DAVID J. HAMMEL, 0000
RICHARD L. HINCHION, 0000
PATRICK J. MC GILLVRAY, 0000
ROBERT W. SCRUGGS, 0000
DONALD E. JACCARD, 0000
GUY T. PILLA, 0000
RANDALL C. SCHNEIDER, 0000
RICARDO R. RODRIGUEZ, 0000
THOMAS M. JENKINS, 0000
HAL R. PITTS, 0000
ROBERT P. STUDEBAKER, 0000
THOMAS J. MORIARTY, 0000
SCOTT R. MC FARLAND, 0000
ROBERT D. PERKINS, 0000
CRAIG S. CROSS, 0000
TIMOTHY Y. DEAL, 0000
MARK E. REYNOLDS, 0000
JAMES R. FOGLE, 0000
NEIL E. MEISTER, 0000
STANLEY E. BALINT, 0000
RICHARD M. KEESLER, 0000
RANDALL D. FARMER, 0000
SUSAN J. WORKMAN, 0000
RICHARD A. WILLIAMS, 0000
MICHAEL F. WHITE, 0000
CASEY J. PLAGGE, 0000
STEPHEN H. TORPEY, 0000
DAVID L. NICHOLS, 0000
MONT E. MC MILLEN, 0000
EVA R. KUMMERFELD, 0000
DOUGLAS K. BRUCE, 0000
JAMES D. BAUGH, 0000
GEORGE B. SACKETT, 0000
JEFFREY S. ST CLAIR, 0000
ALLEN W. ECHOLS, 0000
PAUL D. THORNE, 0000
JAMES A. PATRICK, 0000
IRENCO D. VILLANUEVA, 0000
WAYNE F. MACKENZIE, 0000
SHERYL L. DICKINSON, 0000
SANDERS M. MOODY, 0000
MICHELE BOUZIANE, 0000
KATHLEEN MOORE, 0000
RAYMOND A. ENGBLOM, 0000
FRANK R. LEVI, 0000
ELMER O. EMERIC, 0000
ROBERT D. LEFEVERS, 0000
PAUL D. LIMBACHER, 0000
MARK S. MESERVEY, 0000
MATTHEW A. GRIM, 0000
GARRISON L. MOE, 0000
JASON K. CHURCH, 0000
CLAUDIA V. MC KNIGHT, 0000
ROBERT B. MAKOWSKY, 0000
LARRY P. PESEK, 0000
TROY K. DEIERLING, 0000
WILLIAM J. TRAVIS, 0000
THOMAS L. KAYE, 0000
RUSSELL H. ZULLICK, 0000
CARMELO S. BAZZANO, 0000
PATRICK M. GORMAN, 0000
STEPHEN J. BARTLETT, 0000
MICHAEL G. TANNER, 0000
STUART H. EHRENBERG, 0000
PATRICIA A. MC FETRIDGE, 0000
THOMAS C. GETSY, 0000
ROBIN J. KORTUS, 0000
BRIAN T. ELLIS, 0000
JOHN C. OCONNOR, 0000
MARK A. FRANKFORD, 0000
AMY B. KRITZ, 0000
KARL GRAMS, 0000
MELINDA D. MC GURER, 0000
DANIEL P. TAYLOR, 0000
JEFFERY M. PETERS, 0000
ERIC L. BRUNER, 0000
THOMAS A. ROUTHIER, 0000
TY W. RINOSKI, 0000
BRIAN L. NELSON, 0000
ROGER N. WYKLE, 0000
KEVIN R. SAREAULT, 0000
PARTRICK M. MC MILLIN, 0000
MICHAEL A. OBRIEN, 0000
ROBERT S. WILBUR, 0000
THOMAS W. KOWENHOVEN, 0000
JONATHAN D. HELLER, 0000
ERIC J. VOGELBACHER, 0000
PATRICK J. MAGUIRE, 0000
JOHN P. NADEAU, 0000
MARK A. JACKSON, 0000
THOMAS C. MILLER, 0000
BRENDAN C. MC PHERSON, 0000
GREGORY A. BUXA, 0000
JOHN J. DALY, 0000
PAUL G. BACA, 0000
ERIK S. ANDERSON, 0000
WILLIAM G. ROSPARS, 0000
ANDREW J. TIONGSON, 0000
CHRISTOPHER J. PERRONE, 0000
MATTHEW W. SIBLEY, 0000
THOMAS P. WOJAHN, 0000
GERALD A. KIRCHOFF, 0000
MARC F. SANDERS, 0000
GREGORY J. DEPINET, 0000
ANDREA M. MARCILLE, 0000
MATTHEW S. POCOCK, 0000
MATTHEW J. GIMPLE, 0000
RUSSELL A. DAVIDSON, 0000
MARK T. RUCKSTUHL, 0000
PETER J. SISTARE, 0000
ROBERT L. WHITEHOUSE, 0000
RONALD A. LABREC, 0000
RICHARD L. MOUREY, 0000
KEVIN C. KIEFER, 0000
DANIEL E. KENNY, 0000
ROBERT L. GANDOLFO, 0000
DANIEL J. MC LAUGHLIN, 0000
CATHERINE W. TOBIAS, 0000
JOHN F. COMAR, 0000
JERALD L. WOLOSZYNSKI, 0000
ROBERT E. MC KENNA, 0000
DOUGLAS M. FEARS, 0000
CHRISTOPHER S. MYSKOWSKI, 0000
PAUL B. DUTILLE, 0000
JUNG A. LAWRENCE, 0000
DELANO G. ADAMS, 0000
DENNIS S. BAUBY, 0000
GEORGE G. BONNER, 0000
ANTHONY M. DISANTO, 0000
NICHOLAS A. BARTOLOTTA, 0000
GEOFF R. BORREE, 0000
KEITH A. WILLIS, 0000
PAUL E. BOINAY, 0000
LAWRENCE J. ZACHER, 0000
LEONARD R. TUMBARELLO, 0000
SCOTT D. ROGERSON, 0000
DAVID S. FIEDLER, 0000
JOHN E. TYSON, 0000
ELIZABETH D. ALLEMAND, 0000
JAMES D. MC MAHON, 0000
JENNIFER V. LEATHERS, 0000
PETER J. HATCH, 0000
MICHAEL H. SIM, 0000
CRAIG R. HENZEL, 0000
ROBERT K. THOMPSON, 0000
CLAYTON L. DIAMOND, 0000
WILLIAM K. NOFTSKER, 0000
DOUGLAS L. SUBOCZ, 0000
KENNETH D. MARIEN, 0000
MICHAEL J. EAGLE, 0000
SEAN R. MURTAGH, 0000
CAROLYN HARRISS, 0000
JEFFREY P. NOVOTNY, 0000
KEVIN E. RAIMER, 0000
CHARLES M. SIMERICK, 0000
WENDY M. CALDER, 0000
BRIAN S. WILLIS, 0000
KATHERINE F. TIONGSON, 0000
GLENN CILENO, 0000
CHARLES R. AYDLETTE, 0000
JACK P. POLING, 0000
LAWRENCE H. HENDERSON, 0000
JEFFERY P. HAYS, 0000
DANIEL P. KANE, 0000
JEFFREY M. RAMOS, 0000
MICHAEL G. LUPOW, 0000
LARRY W. HEWETT, 0000
ARTHUR J. SNYDER, 0000
KEITH A. LANE, 0000
JOHN K. MERRILL, 0000
RICHARD J. REINEMANN, 0000
JOSEPH J. MAHR, 0000
JEFFREY C. JACKSON, 0000
JAMES E. STAMPER, 0000
GUY L. SNYDER, 0000
JUDY A. PERSALL, 0000
RONALD J. CANTIN, 0000
OSCAR W. STALLINGS, 0000
TIMOTHY J. CIAMPAGLIO, 0000
DONALD R. DYER, 0000
GREGORY D. CASE, 0000
JAMES T. HURLEY, 0000
WILLIAM A. FOX, 0000
DIANE W. DURHAM, 0000
GERARD P. ACHENBACH, 0000
GARY M. MESSMER, 0000
JEFFREY A. OVASKA, 0000
DANIEL E. MADISON, 0000
ROBERT L. WEGMAN, 0000
CHARLES SRIOUDOM, 0000
KENNETH M. ALBEE, 0000
JOSEPH A. BOUDROW, 0000
JAMES MC LAUGHLIN, 0000
MARK S. LENASSI, 0000
JOHN F. BOURGEOIS, 0000
DAVID R. MORGAN, 0000
RICHARD E. LORENZEN, 0000
THOMAS O. MURPHY, 0000
KEITH B. JANSSEN, 0000
JAMES M. KAHRS, 0000

MARK R. HAZEN, 0000
ROBERT K. BREESE, 0000
HARRY M. HALEY, 0000
MICHAEL K. MUSKALLA, 0000
BRIAN P. JORDAN, 0000
ALLEN B. JONES, 0000
BRIAN T. FISHER, 0000
BRAD L. SULTZER, 0000
RICHARD PINEIRO, 0000
STEVEN M. WISCHMANN, 0000

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. JOHN R. BAKER, 0000
BRIG. GEN. JOHN D. BECKER, 0000
BRIG. GEN. ROBERT F. BEHLER, 0000
BRIG. GEN. SCOTT C. BERGREN, 0000
BRIG. GEN. PAUL L. BIELOWICZ, 0000
BRIG. GEN. FRANKLIN J. BLAISDELL, 0000
BRIG. GEN. ROBERT P. BONGIOVI, 0000
BRIG. GEN. CARROL H. CHANDLER, 0000
BRIG. GEN. MICHAEL M. DUNN, 0000
BRIG. GEN. THOMAS B. GOSLIN, JR., 0000
BRIG. GEN. LAWRENCE D. JOHNSTON, 0000
BRIG. GEN. MICHAEL S. KUDLACZ, 0000
BRIG. GEN. ARTHUR J. LICHTE, 0000
BRIG. GEN. WILLIAM R. LOONEY III, 0000
BRIG. GEN. STEPHEN R. LORENZ, 0000
BRIG. GEN. T. MICHAEL MOSELEY, 0000
BRIG. GEN. MICHAEL C. MUSHALA, 0000
BRIG. GEN. LARRY W. NORTHINGTON, 0000
BRIG. GEN. EVERETT G. ODGERS, 0000
BRIG. GEN. WILLIAM A. PECK, JR., 0000
BRIG. GEN. TIMOTHY A. PEPPE, 0000
BRIG. GEN. RICHARD V. REYNOLDS, 0000
BRIG. GEN. EARNEST O. ROBBINS II, 0000
BRIG. GEN. RANDALL M. SCHMIDT, 0000
BRIG. GEN. NORTON A. SCHWARTZ, 0000
BRIG. GEN. TODD I. STEWART, 0000
BRIG. GEN. GEORGE N. WILLIAMS, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 624 AND 628:

To be lieutenant colonel

BRUCE R. BURNHAM, 0000
JAMES F. GUZZI, 0000

To be major

MAHENDER DUDANI, 0000

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant colonel

MALCOLM M. DEJNOZKA, 0000

To be first lieutenant

GAELLE J. GLICKFIELD, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C., SECTIONS 624, 628, AND 531:

To be lieutenant colonel

*LES R. FOLIO, 0000

To be major

DANIEL J. FEENEY, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

VINCENT J. SHIBAN, 0000

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531:

To be captain

KYMBLE L. MCCOY, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTIONS 624 AND 628:

To be colonel

GEORGE L. HANCOCK, JR., 0000
NEAL H. TRENT III, 0000
SIDNEY W. ATKINSON, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AS CHAPLAIN UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

SAMUEL J. BOONE, 0000
DOUGLAS L. CARVER, 0000
PAUL E. CLARK, 0000
ROBERT W. ELDRIDGE, JR., 0000
PAUL F. HOWE, 0000
JOHN T. LOYA, 0000
LILTON J. MARKS, SR., 0000
RICHARD MINCH, 0000
RICHARD S. ROGERS III, 0000
DONALD L. RUTHERFORD, 0000
ALBERT L. SMITH, 0000
DONNA C. WEDDLE, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY IN THE JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

FREDERIC L. BORCH III, 0000
LEROY C. BRYANT, 0000
JOHN L. CHARVAT, JR., 0000
JAMES M. COYNE, 0000
DONALD G. CURRY, JR., 0000
RICHARD E. GORDON, 0000
MARK W. HARVEY, 0000
DAVID L. HAYDEN, 0000
MICHAEL W. HOADLEY, 0000
JOHN B. HOFFMAN, 0000
RICHARD B. JACKSON, 0000
DANIEL F. MCCALLUM, 0000
ADELE H. ODEGARD, 0000
JAMES L. POHL, 0000
MARK J. ROMANESKI, 0000
STEPHANIE D. WILLSON, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS A PERMANENT PROFESSOR OF THE UNITED STATES MILITARY ACADEMY IN THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 4333 (B):

To be colonel

WENDELL C. KING, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

JOSE M. GONZALEZ, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C. SECTIONS 531, 624, AND 628:

To be lieutenant colonel

GEORGE A. AMONETTE, 0000
JOHN R. ARMSTRONG, 0000
*MARK E., CHIPMAN, 0000
BEVERLY I. JONES, 0000
JAN M. KOZLOWSKI, 0000
ESMERALDA PROCTOR, 0000
BRENDA J. SIMMONS, 0000
KENNETH R. STOLWORTHY, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 531, 624, AND 628;

To be lieutenant colonel

*CRAIG J. BISHOP, 0000

To be major

DAVID W. NIEBUHR, 0000

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

DALE G. NELSON, 0000
FRANK M. SWETT, JR., 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTIONS 624 AND 628:

To be colonel

DENNIS K. LOCKARD, 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

TERRY G. ROBLING, 0000

IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

STUART C. PIKE, 0000
DELANCE E. WIEGELE, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

FRANKLIN B. WEAVER, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 531, 624, 628, AND 3064:

To be colonel

THOMAS J. SEMARGE, 0000

To be lieutenant colonel

JOHN K. HUTSON, 0000

To be major

*JEFFREY J. FISHER, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 531, 624, 628, AND 3064:

To be lieutenant colonel

*WILLIAM J. MILUSZUSKY, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTION 531, 624, AND 628:

To be major

*DANIEL S. SULLIVAN, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

CHRISTOPHER A. ACKER, 0000
GREGORY A. ADAMS, 0000
JOHN C. ADAMS, 0000
DAVID A. AHRENS, 0000
CHARLES B. ALLEN, 0000
RALPH E. ALLISON, JR., 0000
DANIEL B. ALLYN, 0000
JAMES M. ALTHOUSE III, 0000
CHARLES A. ANDERSON, 0000
RODNEY O. ANDERSON, 0000
STEVEN M. ANDERSON, 0000
WALTER N. ANDERSON, 0000
KURT A. ANDREWS, 0000
JOHN R. ANGEVINE, 0000
JOHN F. ANTAL, 0000
SCOTT L. ARMBRISTER, 0000
KENTON L. ASHWORTH, 0000
STEVEN L. BAILEY, 0000
ROBERT L. BALL, 0000
WILLIAM C. BALL, 0000
THOMAS A. BANASIK, 0000
JAMES O. BARCLAY III, 0000
ROBERT S. BARNES, 0000
HAZEN L. BARON, 0000
ROGER S. BASS II, 0000
FREDERIC M. BATCHELOR, 0000
GERALD BATES, JR., 0000
HOWARD W. BAUM III, 0000
WILLIAM J. BAYLES, 0000
JAMES M. BEAGLES, 0000
RONALD E. BEASLEY, 0000
MICHAEL K. BEASOCK, 0000
ARLENE L. BEATTY, 0000
ROBERT L. BEAVER, JR., 0000
DEBORADH J. BECKWORTH, 0000
THOMAS J. BEGINES, 0000
HIRAM BELL, JR., 0000
JOHN C. BENDYK, 0000
DAVID B. BENNETT, 0000
DIANE L. BERARD, 0000
KEVIN J. BERGNER, 0000
KIRK M. BERGNER, 0000
RONALD L. BERTHA, 0000
CHARLES N. BETACK, 0000
LANCE A. BETROS, 0000
NANCY A. BICKFORD, 0000
ROBERT P. BIRMINGHAM, 0000
JOSEPH P. BITTO, SR., 0000
STEVEN J. BLASKA, 0000
LEONARD C. BLEVINS, 0000
HARRY D. BLOOMER, 0000
ROBERT M. BLUM, 0000
JAMES G. BOATNER, JR., 0000
GORDON C. BONHAM, 0000
CHARLES M. BORG, 0000
RONALD M. BOUCHARD, 0000
MARK S. BOWMAN, 0000
ROBERT G. BRADY, 0000
RICHARD H. BREEN, JR., 0000
WILLIAM J. BREYFOGLE, 0000
PERRY L. BRIDGES, JR., 0000
DAVID R. BROOKS, 0000
STEPHEN W. BROOKS, 0000
STEPHEN E. BROUGHALL, JR., 0000
JERRY P. BROWN, 0000
JOHN V. BROWN, 0000
ROBERT M. BROWN, 0000
ROBERT W. BROWN, 0000
STEVEN P. BUCCI, 0000
RUSSELL A. BUCY, 0000
THOMAS R. BURNETT, 0000
WILLIAM L. BURNHAM, 0000
DONALD J. BURTON, 0000
DANIEL J. BUSBY, 0000
CARLOS A. CALDERON, 0000
JOHN F. CAMPBELL, 0000
WILLIAM B. CARLTON, 0000
DALE A. CARR, 0000

TERRY L. CARRICO, 0000
MARIO A. CARRILLO, 0000
WILLIAM A. CARRINGTON, 0000
JOSEPH T. CATUDAL, 0000
PAUL J. CELOTTO, 0000
ROBERT L. CHADWICK, 0000
JAMES E. CHAMBERS, 0000
HAROLD L. CHAPPELL, 0000
FREDRICK J. CHRONIS, 0000
FREDERICK L. CLAPP, JR., 0000
JULIUS E. CLARK III, 0000
WILLIAM E. CLEGHORN, 0000
STANLEY B. CLEMONS, 0000
VIRGINIA M. CLOSS, 0000
MICHAEL H. CODY, 0000
MICHAEL J. COLEMAN, 0000
MARK E. COLLINS, 0000
JAMES G. CONNELLY, JR., 0000
KEVIN CONNORS, 0000
TIMOTHY P. CONSIDINE, 0000
RICHARD J. CONTE, 0000
JOHNIE R. COOK, 0000
RANDALL D. CORBIN, 0000
CHARLES D. CORNWELL, 0000
CARLA K. COULSON, 0000
CLAUDE E. CRABTREE, 0000
VERNON B. CROCKER, 0000
KRISTI L. CROSBY, 0000
JOHN M. DAMICO, 0000
JESSE E. DANIELS, 0000
JAMES W. DANLEY, 0000
WILLIAM M. DARLEY, 0000
ADDISON D. DAVID IV, 0000
MICHEAL E. DAVIS, 0000
WALTER L. DAVIS, 0000
ROBERT R. DERRICK, 0000
WILLIAM M. DIETRICK, 0000
DENNIS W. DINGLE, 0000
JAMES F. DITTRICH, 0000
ALAN F. DODSON, 0000
JEFFREY L. DOERR, 0000
JEFFREY J. DORKO, 0000
SCOTT D. DORNEY, 0000
JAMES L. DUNN, 0000
MICHAEL L. DURAND, 0000
JOSEPH A. DURSO, 0000
DALE C. EIKMEIER, 0000
CHRISTOPHER L. ELLIS, 0000
GARY A. EMORY, 0000
MATTHREW J. FAIR, 0000
CHARLES J. FIALA, JR., 0000
ARTHUR W. FINEHOUT, JR., 0000
RICHARD P. FINK, 0000
ROBERT P. FITZGERALD, 0000
JACKSON L. FLAKE III, 0000
DAVID B. FLANIGAN, 0000
TIMOTHY A. FONG, 0000
ERNEST T. FORREST, 0000
WILLIAM H. FORRESTER, JR., 0000
SCOTT T. FORSTER, 0000
RONNIE L. FOXX, 0000
THOMAS G. FRANCIS III, 0000
HENRY G. FRANKE III, 0000
MARY FULLER, 0000
JOHN A. GAGNON, 0000
ROBERT T. GAHAGAN, 0000
CHRISTOPHER R. GAYARD, 0000
THOMAS H. GERBLICK II, 0000
JEFFERY A. GIBERT, 0000
MARK R. GILMORE, 0000
MARTIN D. GLASSER, 0000
JOHN L. GOETCHIUS, JR., 0000
MICHAEL E. GOODROE, 0000
RICARD A. GRABOWSKI, 0000
LUKE S. GREEN, 0000
JAMES K. GREER, JR., 0000
WILLIAM R. GREWE, 0000
JOHN R. GORBMEIER, 0000
JOHN E. HALL, 0000
ROBERT E. HALLAGAN, 0000
REBECCA S. HALSTEAD, 0000
GREGORY A. HARDING, 0000
WILLIAM C. HARLOW, 0000
ANTHONY W. HARRIMAN, 0000
MICHAEL T. HARRISON, SR., 0000
THOMAS B. HAUSER, 0000
ROBERT F. HENDERSON, 0000
PETER A. HENRY, 0000
RONALD R. HEULER, 0000
MARC R. HILDENBRAND, 0000
JOEL G. HIMSL, 0000
STACEY K. HIRATA, 0000
WILLIAM H. HOGAN, 0000
JAMES L. HOLLOWAY, JR., 0000
JEFFREY C. HORNE, 0000
MITCHELL A. HOWELL, 0000
JANICE E. HUDLEY, 0000
WILFRED E. IRISH III, 0000
MICHAEL E. IVY, 0000
DONALD W. JENKINS, 0000
JOHN D. JOHNSON, 0000
KEVIN D. JOHNSON, 0000
MALCOLM D. JOHNSON, JR., 0000
JOHN J. JORDAN, 0000
MARY A. KAURA, 0000
BRIAN A. KELLER, 0000
JACKIE D. KEM, 0000
DONNA L. KENLEY, 0000
KEVIN J. KERNS, 0000
CHARLES A. KING, 0000
MARVIN K. KING, 0000
DANIEL R. KIRBY, 0000
DEBORAH A. KISSEL, 0000
ROBERT O. KISSEL, 0000
MICHAEL E. KRIEGER, 0000
JEFFREY A. KUEFFER, 0000
GREGORY S. KUHR, 0000
BERNARD E. KULIFAY, JR., 0000
GERARD J. LABADIE, 0000
AHMED E. LABAULT, 0000
CARLOS A. LACOSTA, 0000
DAVID B. LACQUEMENT, 0000
GARY F. LAMB, 0000
TIMOTHY J. LAMB, 0000
NEIL C. LANZENDORF, JR., 0000
GEOFFREY S. LAWRENCE, 0000
JOSEPH N. LEBOEUF, JR., 0000
ROBERT B. LEES, JR., 0000
FREDRICK J. LEHMAN, 0000
ALVIN J. LEONARD, 0000
STANLEY H. LILLIE, 0000
JOE M. LINEBERGER, 0000
KAREN D. LLOYD, 0000
THOMAS S. LLOYD, 0000
MICHAEL P. LOCKE, 0000
CURTIS A. LUPO, 0000
JOHN A. MAC DONALD, 0000
MICHAEL T. MADDEN, 0000
TIMOTHY D. MADERE, 0000
WILLIAM H. MAGLIN II, 0000
FRANCIS G. MAHON, 0000
ANDREW R. MANUELE, 0000
CHRISTINE T. MARSH, 0000
CHARLES M. MARTIN, 0000
LEVI R. MARTIN, 0000
JOSEPH E. MARTZ, 0000
RALPH J. MASI, 0000
BRADLEY J. MASON, 0000
RAYMOND V. MASON, 0000
JAMES G. MAY, 0000
JOHN H. MC ARDLE, 0000
JAMES M. MC CARL, JR., 0000
MICHAEL K. MC CHESNEY, 0000
CRAIG P. MC CURDY, 0000
WILLIAM H. MC FARLAND, JR., 0000
MICHAEL L. MC GINNIS, 0000
DONALD C. MC GRAW, JR., 0000
MARK A. MC GUIRE, 0000
TIM R. MC KAIG, 0000
WENDELL B. MC KEOWN, 0000
JOHN R. MC MAHON, 0000
CHARLES F. MC MASTER, 0000
MARVIN K. MC NAMARA, 0000
ROBERT W. MC WETHY, 0000
JERE S. MEDARIS, 0000
KATHLEEN MEEHAN, 0000
RICHARD D. MEGAHAN, 0000
PAUL E. MELODY, 0000
JOHN A. MERKWAN, 0000
LISA M. MERRILL, 0000
JAMES M. MILANO, 0000
DAVID P. MILLER, 0000
DAVID V. MINTUS, 0000
MARK V. MONTESCLAROS, 0000
RICHARD J. MORAN, 0000
EDWIN C. MOREHEAD, 0000
ROMEO H. MORRISEY, 0000
JAMES C. MOUGHON III, 0000
MICHAEL G. MUDD, 0000
PATRICIA MULCAHY, 0000
ROGER H. MUNNS, 0000
KEVIN A. MURPHY, 0000
EDWIN L. MYERS, 0000
JAMES C. NAUDAIN, 0000
JAMES T. NAUGHTON, 0000
RICHARD NAZARIO, 0000
PATRICK L. NEKY, 0000
RONALD J. NELSON, 0000
TOMMIE E. NEWBERRY, 0000
THOMAS J. NEWMAN, 0000
FORREST R. NEWTON, 0000
THEODORE C. NICHOLAS, 0000
JOSEPH P. NIZOLAK, JR., 0000
PHILIP B. NORTH, 0000
MICHAEL A. NORTON, 0000
ROBERT D. NOSSOV, 0000
JOSEPH R. NUNEZ, 0000
SIDNEY G. OAKSMITH, 0000
WILLIAM O. ODOM, 0000
THOMAS J. O DONNELL, 0000
MICHAEL C. OKITA, 0000
PATRICK J. O REILLY, 0000
JOHN M. O SULLIVAN, JR., 0000
CARL D. OWENS, 0000
PATRICK W. OYABE, 0000
PETER J. PALMER, 0000
ANTHONY F. PARKER, 0000
WILLIAM H. PARRY III, 0000
DAVID S. PATE, 0000
GILBERTO R. PEREZ, 0000
JEFFREY J. PERRY, 0000
JOHN W. PESKA, 0000
GREGG E. PETERSEN, 0000
LEO S. PETERSON, 0000
NEAL C. PETREE III, 0000
GARY P. PETROLE, 0000
MARK V. PHELAN, 0000
MICHAEL A. PHILLIPS, 0000
RODNEY A. PHILLIPS, 0000
LUIS A. PINA, 0000
BELINDA PINCKNEY, 0000
JASON D. PLOEN, 0000
PETER F. PORCELLI, 0000
ERNEST E. PORTER, 0000
DANNY P. PRICE, 0000
SUSAN M. PUSKA, 0000
RUSSELL E. QUIRICI, 0000
CLARK K. RAY, JR., 0000
MELANIE R. REEDER, 0000
THOMAS H. RENDALL, 0000
PAUL G. REPCIK, 0000
EUGENE K. RESSLER, 0000
SAMUEL B. RETHERFORD, 0000
MICHAEL B. RHEA, 0000
ROBERT D. RICHARDSON, JR., 0000
SCOTT O. RISSER, 0000
DUANE A. ROBERTS, 0000
TIMOTHY F. ROBERTSON, 0000
RONNIE G. ROGERS, 0000
MARK A. RONCOLI, 0000
JOHN P. ROONEY, 0000
DANE L. ROTA, 0000
STEVEN W. ROTKOFF, 0000
MARIANE F. ROWLAND, 0000
ROBERT C. RUSH, JR., 0000
THEODORE S. RUSSELL, JR., 0000
WILLIAM E. RYAN III, 0000
RICHARD R. RYLES, 0000
DAVID G. SAFFOLD, 0000
GENEVA C. SANDERS, 0000
MARYELIZABETH W. SAWYER, 0000
KEVIN G. SCHERRER, 0000
JOHN H. SCHNIBBEN III, 0000
THOMAS J. SCHOENBECK, 0000
STEVEN C. SCHRUM, 0000
MICHAEL L. SCHULTZ, 0000
HARRY D. SCOTT, JR., 0000
RAYMOND K. SCROCCO, 0000
TODD T. SEMONITE, 0000
BARRY M. SHAPIRO, 0000
JAMES D. SHARPE, JR., 0000
RICHARD W. SHAW, 0000
MARY B. SHIVELY, 0000
EDWARD C. SHORT, 0000
PATRICK W. SHULL, 0000
STEPHEN M. SITTNICK, 0000
MATTHEW L. SMITH, 0000
MARK A. SOLTERO, 0000
VIRGIL K. SPURLOCK, 0000
ARTHUR T. STAFFORD II, 0000
ERIC W. STANHAGEN, 0000
THOMAS R. STAUTZ, 0000
KEITH R. STEDMAN, 0000
BRYAN K. STEPHENS, 0000
MICHAEL J. STINE, 0000
LONNIE L. STITH, 0000
JOHN L. STRONG, 0000
MICHAEL J. SULLIVAN, 0000
KIM L. SUMMERS, 0000
EARL SUTTON II, 0000
MARK A. SWARINGEN, 0000
BRENT M. SWART, 0000
DENNIS J. SZYDLOSKI, 0000
ANTHONY J. TATA, 0000
GREGORY S. TATE, 0000
JOSEPH M. TEDESCO, JR., 0000
KENT D. THEW, 0000
RICHARD G. THRESHER, JR., 0000
GARYJOHN TOCCHET, 0000
ROBERT N. TOWNSEND, 0000
TERRY E. TROUT, 0000
THOMAS H. TRUMPS, 0000
CHRISTOPHER TUCKER, 0000
BLAIR M. TURNER, 0000
ANDREW B. TWOMEY, 0000
JACKIE L. VANCE, 0000
MARK L. VANDRIE, 0000
SHEILA A. VARNADO, 0000
DENNIS L. VIA, 0000
MARK E. VINSON, 0000
MARK VOLK, 0000
ROY C. WAGGONER III, 0000
HAROLD G. WALKER, 0000
JAMES D. WARGO, 0000
MONROE P. WARNER, 0000
DOUGLASS S. WATSON, 0000
LARRY WATSON, 0000
KEVIN J. WEDDLE, 0000
JOHN P. WEINZETTLE, 0000
GORDON M. WELLS, 0000
WAYNE E. WHITEMAN, 0000
THOMAS W. WIECKS, 0000
SCOTT A. WILSON, 0000
DAVID R. WOLF, 0000
ROBERT H. WOODS, JR., 0000
CURTIS L. WRENN, JR., 0000
JAMES C. YARBROUGH, 0000
JOSEPH S. YAVORSKY, 0000
DONALD H. ZEDLER, 0000
X0000
X0000
X0000

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY IN THE MEDICAL SERVICE CORPS, ARMY MEDICAL SPECIALIST CORPS, ARMY NURSE CORPS, AND VETERINARY CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

GEORGE L. ADAMS III, 0000
REX ALLEN, 0000
MARGARET A. ANDERSON, 0000
MARGARITA APONTE, 0000
WILLIAM BARRETT, JR., 0000
SHEILA R. BAXTER, 0000
DENNIS R. BEAUDOIN, 0000
DOUGLAS A. BIGGERSTAFF, 0000
LARRY S. BOLTON, 0000
CATHERINE W. BONNEFIL, 0000
MARILYN H. BROOKS, 0000
DALE R. BROWN, 0000
JOHN R. CHAMBERS, 0000
DONNA M. CHAPMAN, 0000
SUZANNE S. CHIANG, 0000
PATRICIA A. CLAY, 0000
GEORGE A. CRAWFORD, JR., 0000
KENNETH R. CROOK, 0000
JEAN M. DAILEY, 0000

KELLY J. DAVIS III, 0000
PATRICIA A. DIMEGLIO, 0000
CAROL S. GILMORE, 0000
JAMES A. HALVORSON, 0000
JOHN A. HAYNIE, 0000
ERIK A. HENCHAL, 0000
AARON J. JACOBS, 0000
GERALD B. JENNINGS, 0000
PATRICIA A. KINDER, 0000
ALLEN J. KRAFT, 0000
ROBERT J. LANDRY, 0000
DEBBIE J. LOMAXFRANKLIN, 0000
REBECCA J. MACKOY, 0000
TED A. MARTINEZ, 0000
MARTIN D. MORRIS, 0000
KENT S. NABARRETE, 0000
ROSEMARY NELSON, 0000
CHARLES E. PIXLEY, 0000
DOUGLAS H. RABREN, 0000
GASTON M. RANDOLPH, JR., 0000
JEFFREY W. RECORD, 0000
STEVEN C. RICHARDS, 0000
LAURA J. RISOLI, 0000
KENNETH D. ROLLINS, 0000
GARY L. SADLON, 0000
ANITA J. SCHMIDT, 0000
CHARLES R. SCOVILLE, 0000
NATALIE M. SHRIVER, 0000
MICHAEL J. SMITH, 0000
RICHARD I. STARK, JR., 0000
DONNA L. TALBOTT, 0000
MICHAEL J. TOPPER, 0000
NEAL H. TRENT III, 0000
NANCY L. VAUSE, 0000
JUANITA H. WINFREE, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY IN THE JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be lieutenant colonel

LISA ANDERSONLLOYD, 0000
SCOTT W. ARNOLD, 0000
LEO E. BOUCHER III, 0000
BRIAN H. BRADY, 0000
NATHANAEL P. CAUSEY, 0000
ELWOOD A. CHANDLER, JR., 0000
JOHN L. CLIFTON IV, 0000
GREGORY B. COE, 0000
ALAN L. COOK, 0000
PETER M. CULLEN, 0000
CHRISTOPHER M. DETORO, 0000
CYNTHIA A. GLEISBERG, 0000
CHARLES L. GREEN, 0000
GREGORY A. GROSS, 0000
MICHAEL E. HOKENSON, 0000
RANDALL L. KEYS, 0000
MICHAEL J. KLAUSNER, 0000
DENISE R. LIND, 0000
SCOTT E. LIND, 0000
JERRY J. LINN, 0000
KEVIN J. LUSTER, 0000
MARK S. MARTINS, 0000
DAVID A. MAYFIELD, 0000
JEFFREY C. MCKITRICK, 0000
MICHAEL W. MEIER, 0000
JOHN W. MILLER II, 0000
RONALD W. MILLER, JR., 0000
WILLIAM D. PALMER, 0000
THOMAS M. RAY, 0000
SHARON E. RILEY, 0000
DAVID S. SHUMAKE, 0000
JEFFREY D. SMITH, 0000
RICHARD J. SPRUNK, 0000
ROBIN N. SWOPE, 0000
SUSAN D. TIGNER, 0000
KEITH C. WELL, 0000
RICHARD M. WHITAKER, 0000
PETER C. ZOLPER, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

MARK O. AINSCOUGH, 0000
ROLAND C. ALEXANDER, 0000
THOMAS G. ALLEN, 0000
MARY A. ALLRED, 0000
SUSAN P. ANDERS, 0000
MARTIN F. ANDERSON, 0000
DONALD J. ANDREOTTA, 0000
JOHN F. ANGEL, 0000
MIKEL W. ANTHONY, 0000
ROBERT E. ARMSTRONG, 0000
EDWARD L. ARNTSON, 0000
BRUCE W. ASHMAN, 0000
JONATHAN A. ASWEGAN, 0000
JOHNNIE J. ATKINS, 0000
STEVE P. AUSTIN, 0000
CHARLES W. AYERS, 0000
FRED H. BAKER, 0000
DANNY C. BALDWIN, 0000
MICHAEL D. BARKS, 0000
THOMAS A. BAY, 0000
RICHARD A. BAYLOR, 0000
JERRY G. BECK, JR., 0000
THOMAS W. BEESON, 0000
DONALD R. BEIGHTOL, 0000
JAMES R. BEIRNES, 0000
DANIEL E. BENES, 0000
GARY A. BENFORD, 0000
DAN A. BERKEBILE, 0000
DAVID N. BLACKLEDGE, 0000
MATTHEW P. BLUE, 0000
RICHARD M. BLUNT, 0000
LARRY J. BOCCAROSSA, 0000
DONALD W. BORRMANN, 0000
JAMES J. BOUTIN, 0000
PATRICK F. BOWE, 0000
RICKI F. BOWER, 0000
BRIAN J. BOWERS, 0000
GARY R. BRADDOCK, 0000
GARY D. BRAY, 0000
ROBERT T. BRAY, 0000
GORDON M. BREWER, 0000
DAVID M. BROCKMAN, 0000
WILLIAM M. BROWN, 0000
CHARLES R. BRULE, 0000
JAMES A. BRYANT, 0000
GARY T. BUBLITZ, 0000
KEITH J. BUCKLEW, 0000
ROBERT M. BURDETTE, 0000
PATRICK H. BURKE, 0000
THOMAS J. BURLESON, 0000
DONALD S. CALDWELL, 0000
NELSON J. CANNON, 0000
ANTHONY J. CARLUCCI, 0000
LARRY J. CARNES, 0000
PATRICK M. CARNEY, 0000
PETER A. CAROZZA, 0000
THOMAS H. CARSON, 0000
BRUCE A. CASELLA, 0000
RONALD A. CASSARAS, 0000
EDWIN S. CASTLE, 0000
SCOTT CHAPMAN, 0000
NORMAN CHARLEVILLE, 0000
ALBAN E. CHRISMAN, 0000
CHRISTOPHER T. CLINE, 0000
ROBERT C. CLOUSE, 0000
MICHAEL H. COKER, 0000
MICHAEL B. COLEGROVE, 0000
HARRY R. COLLINS, 0000
RICHARD R. COLSON, 0000
WILLIAM B. COMBS, 0000
CHRISTINE M. COOK, 0000
LARRY D. COPELIN, 0000
JOHNNY CORBETT, 0000
ROBERT L. CORLEW, 0000
APRIL M. CORNIEA, 0000
TERRY K. CORSON, 0000
JAMES E. COUCH, 0000
ARTHUR T. COUMBE, 0000
RAY A. COURTNEY, 0000
DANIEL COUVILLION, 0000
KEVIN J. CROWLEY, 0000
EDWARD DAILY, JR., 0000
DONALD A. DALE, 0000
THEODORE A. DALIGDIG III, 0000
DANIEL W. DANZ, 0000
DAVID E. DAVENPORT, 0000
JAMES E. DAVENPORT, 0000
JAMES M. DAVIS, 0000
JOHN G. DAVIS, 0000
JOHN T. DAVIS, 0000
DAVID M. DEARMOND, 0000
PHILIP M. DEHENNIS, 0000
ROBERT E. DELOACHE, 0000
ROBERT W. DERR, 0000
LAWRENCE D. DIETZ, 0000
DENNIS P. DONOVAN, 0000
JOHN P. DORAN, 0000
DAVID T. DORROUGH, 0000
MICHAEL D. DOUBLER, 0000
PATRICK J. DUCHATEAU, 0000
GEORGE M. DUDLEY, 0000
GILFORD C. DUDLEY, 0000
JOHN DWYER, 0000
JOSEPH D. DYESS, 0000
TODD L. EADS, 0000
CHARLES J. EARL, 0000
JOHN W. EASTERLY, 0000
GARY F. EISCHEID, 0000
KEVIN G. ELLSWORTH, 0000
DAVID R. ERDMANN, 0000
ROBERT ERICKSON, 0000
DAVID L. EVANS, 0000
FERGUSON EVANS, 0000
MARGRIT M. FARMER, 0000
SCOTT W. FAUGHT, 0000
SIDNEY F. FELLER, 0000
JOSE A. FERNANDEZRUIZ, 0000
KENNETH L. FIELDS, 0000
ALAN L. FISHER, 0000
EDWIN F. FLINT, 0000
KENNETH A. FORREST, 0000
JOHN S. FOSTER, 0000
DANIEL G. FOUST, 0000
JIMMY E. FOWLER, 0000
JAMES A. FRALEY, JR., 0000
PAUL C. FRANCIK, 0000
BARRY B. GALLAGHER, 0000
JAMES J. GARVEY, 0000
JOHN T. GILLES, 0000
DANIEL P. GILLIGAN, 0000
RICHARD W. GIRARD, 0000
JOHN N. GLOVER, 0000
THOMAS E. GORSKI, 0000
THOMAS V. GRAHAM, 0000
WILBUR E. GRAY, 0000
JAMES L. GREENFIELD, 0000
ALAN E. GRICE, 0000
GUY E. GRIFFIN, 0000
PHILLIP R. GRUBBS, 0000
THOMAS D. HADDAN, 0000
MARK J. HAGAN, 0000
ALBERT HALLE III, 0000
CHRISTOPHER M. HAMLIN, 0000
PAUL F. HAMM, 0000
MARK W. HAMPTON, 0000
MACKEY K. HANCOCK, 0000
BRETT L. HANKE, 0000
JUDY E. HANNA, 0000
JOHN F. HARGRAVES, 0000
HARRY P. HAROLDSON, 0000
JOHN S. HARREL, 0000
DAVID K. HARTIN, 0000
CHARLES A. HARVEY, 0000
KEVIN S. HARVEY, 0000
THOMAS C. HATHAWAY, 0000
WILLIAM C. HECKEL, 0000
PATRICK R. HERON, 0000
JOHN B. HERSHMAN, 0000
JAMES B. HILL, 0000
DAVID V. HINES, 0000
YAROPOLK R. HLADKYJ, 0000
RANDALL S. HLEDIK, 0000
JOHN L. HOCKING, 0000
WILLIAM L. HOEFT, 0000
THOMAS F. HOPKINS, 0000
GARY C. HOWARD, 0000
ROBERT D. HUDNALL, 0000
GERALD E. HUNNICUTT, 0000
JOSEPH M. INGRAM, 0000
GEORGE E. IRVIN, 0000
ALAN K. ITO, 0000
DENNIS E. JACOBSON, 0000
MICHAEL D. JAMESON, 0000
FRANK B. JANOSKI, 0000
RANDALL A. JIPP, 0000
CAROL A. JOHNSON, 0000
MICHAEL J. JOHNSON, 0000
FREDDIE L. JONES, 0000
GARY L. JONES, 0000
JAMES C. JONES, 0000
WILLIE E. JONES, JR., 0000
KEITH K. KALMAN, 0000
WILLIAM J. KAUTT, 0000
ALVIE L. KEASTER, 0000
MICHAEL F. KLAPPHOLZ, 0000
DAVID L. KOCK, 0000
LEONID E. KONDRATIUK, 0000
KENNETH B. KOON, 0000
JAMES A. KOONTZ, 0000
MICHAEL D. KROUSE, 0000
CHARLES B. LADD, 0000
GERALD E. LANG, 0000
KENNETH E. LANKEY, 0000
LON G. LARSON, 0000
DANIEL R. LAVINE, 0000
RICHARD A. LAWSON, 0000
MICHAEL D. LEDBETTER, 0000
ROBERT A. LEE, 0000
JOSEPH LEONELLI, 0000
BRENT R. LESEBERG, 0000
DENNIS M. LESNIAK, 0000
BERNARD P. LEVAN, 0000
DAVID A. LEWIS, 0000
JOHN D. LICK, 0000
RICHARD D. LIGON, 0000
MICHAEL L. LINDSEY, 0000
DANIEL M. LINDSLEY, 0000
RICHARD B. LITTLETON, 0000
JAMES D. LOCKABY, 0000
ROSEMARY R. LOPER, 0000
CHARLES F. LUCE, 0000
DENNIS E. LUTZ, 0000
ERNEST W. LUTZ, 0000
BRADLY S. MACNEALY, 0000
EDWARD T. MAGDZIAK, 0000
WARREN E. MALLEN, 0000
CHRISTOPHER L. MANOS, 0000
HERSCHEL MARSHALL, 0000
EVANS L. MARTIN, 0000
MABRY E. MARTIN, 0000
REID J. MATHERNE, 0000
ERICK T. MATTHYS, 0000
RICHARD T. MAY, 0000
KEVIN R. MCBRIDE, 0000
CHARLES L. MCCARTY, 0000
BLANCHE A. MCCLURE, 0000
JOHN P. MCLAREN, 0000
JOHN F. MCLEAN, 0000
EDWARD C. MCNAMARA, 0000
KENNETH B. MCNEEL, 0000
SCOTT N. MCWILLIAMS, 0000
MICHAEL W. MEANS, 0000
TERRY L. MELTON, 0000
GERALD W. MEYER, 0000
JOHN B. MILLER, 0000
MICHAEL J. MILLER, 0000
RONALD L. MILLER, 0000
SHARON K. MIYASHIRO, 0000
ANTONIO P. MONACO, 0000
ANTHONY P. MONCAYO, 0000
CARL T. MONTGOMERY, 0000
LEWIS W. MOORE, 0000
RUSSELL A. MOORE, 0000
THOMAS P. MOORE, 0000
RICHARD B. MOORHEAD, 0000
DANIEL J. MORGAN, 0000
DAVID R. MORGAN, 0000
JOHN F. MORGAN, 0000
DAVID A. MORRIS, 0000
JONATHAN D. MORROW, 0000
JAMES R. MOYE, 0000
GILLES G. NADEAU, 0000
LOUANN NANNINI, 0000
MURRAY A. NEEPER, 0000
DANIEL J. NELAN, 0000
WILLIE A. NESBIT, 0000
JACK F. NEVIN, 0000
PAUL J. NICOLETTI, 0000
WENDELL P. NIERMAN, 0000
BARRY D. NIGHTINGALE, 0000
GORDON D. NIVA, 0000

CHESTER F. NOLF, 0000
CHARLES L. NORRIS, 0000
DELL H. NUNALEY, 0000
ROBERT D. O'BARR, 0000
JOSEPH F. O'CONNELL, 0000
BRUCE L. OLSON, 0000
FRANK P. OMBRES, 0000
ROBERT J. O'NEILL, 0000
JAMES R. O'ROURKE, 0000
RAYMOND H. ORR, 0000
DARREN G. OWENS, 0000
WILLIAM T. PATULA, 0000
HENRY L. PAYNE, 0000
JAMES E. PAYNE, 0000
HARRY B. PEARL, 0000
KENNETH K. PEINHARDT, 0000
STEVEN K. PETERSON, 0000
MARK A. PFISTERER, 0000
GEORGE F. PHELAN, 0000
JOHN R. PHILLIPS, 0000
ROBERT J. PICKEREL, 0000
MARVIN W. PIERSON, 0000
ROBERT L. PITTS, 0000
LARRY A. PORTER, 0000
NEIL R. PORTER, 0000
JAMES F. PRESTON, 0000
RUSSEL W. RACH, 0000
RONALD J. RANDAZZO, 0000
STEVE M. REED, 0000
STEWART A. REEVE, 0000
JEFFREY C. REYNOLDS, 0000
AARON L. RICHARDSON, 0000
ROBERT J. RIDILLA, 0000
HAROLD H. ROBERTS, 0000
THOMAS P. ROBERTS, 0000
CHARLES G. RODRIGUEZ, 0000
JAIME R. ROMAN, 0000
JOHNNY L. RUSSELL, 0000
MICHAEL H. RUSSELL, 0000
JOSEPH A. RUSSO, 0000
KENNETH T. RYE, 0000
ROBERT A. SALVIANO, 0000
LAWRENCE W. SAUCIER, 0000
GARY L. SAWYER, 0000
JOHN E. SAYERS, 0000
BETTE R. SAYRE, 0000
JOHN J. SCANLAN, 0000
CRAIG L. SCHUETZ, 0000
GREGORY A. SCHUMACHER, 0000
CHARLES J. SCHWARTZMANN, 0000
GREGORY A. SCOTT, 0000
NOEL G. SEEK, 0000
EDGAR C. SEELY, 0000
JACKIE L. SELF, 0000
LLOYD W. SHARPER, 0000
THOMAS S. SHATAVA, 0000
JIM H. SHERMAN III, 0000
TOM L. SHIRLEY, 0000
ROBERT L. SIDES, 0000
WILLIAM O. SIDES IV, 0000
JOHN R. SIMECKA, 0000
ROBERT W. SIMPSON, 0000
KENNETH J. SIMURDIAK, 0000
CHARLES B. SKAGGS, 0000
PAUL W. SKINNER, 0000
EDWARD A. SLAVIN, 0000
MARK J. SLAWINSKI, 0000
LEONETTE W. SLAY, 0000
NEIL F. SLEEVI, 0000
GEORGE J. SMITH, 0000
MILLEDGE R. SMITH, 0000
PERRY J. SMITH, 0000
ROBERT V. SMITH, 0000
ROY C. SMITH, JR., 0000
JOSEPH T. SMOAK, 0000
EDDIE L. SMOOT, 0000
KARL P. SMULLIGAN, 0000
WILLIAM G. SOLLENBERGER, 0000
LARRY R. STALEY, 0000
ANTHONY M. STANICH, 0000
JOHN B. STAVOVY, JR., 0000
MARK STIGAR, 0000
MARCUS C. STILES, 0000
STEPHEN A. STOHLA, 0000
JOHN F. STOLEY, 0000
DONALD C. STORM, 0000
NORMAN W. STORRS, 0000
ROBERT L. STRONG, 0000
RANDOLPH T. SUGAI, 0000
GLENN W. SUTPHIN, 0000
SHERMAN E. TATE, 0000
DANIEL J. TAYLOR, 0000
DAVID P. TEBO, 0000
KENNETH M. TENNO, 0000
CAREY G. THOMPSON, 0000
KENNETH P. THOMPSON, 0000
TOMMY D. THOMPSON, 0000
CHARLES B. THORNELL, 0000
TRAVIS W. TICHENOR, 0000
TIMOTHY B. TILLSON, 0000
JOHN P. TOBEY, 0000
RICHARD TODAS, 0000
WILLIAM P. TROY, 0000
DAVID B. TRUMBULL, 0000
JODI S. TYMESON, 0000
ANGEL A. VALENCIA, 0000
JOSE M. VALLEJO, 0000
JAMES L. VANNAMAN, 0000
RUSSELL P. VAUGHAN, 0000
JEFFRY D. VAUGHN, 0000
GENARO H. VAZQUEZ, 0000
DONALD W. VENN, 0000
ANDREW R. VERRETT, 0000
ANTINIO J. VICENSGONZALEZ, 0000
WILLIAM G. VINCENT, 0000
RICHARD C. VINSON, 0000
MAURENIA D. WADE, 0000
MICHAEL S. WAITE, 0000
FRANKLIN D. WALDRON, 0000
MARGARET WASHBURN, 0000
CARL R. WEBB, 0000
MICHAEL K. WEBB, 0000
LINDELL M. WEEKS, 0000
LESLIE R. WELCH, 0000
NANCY J. WETHERILL, 0000
DAVID J. WHEELER, 0000
EDWARD W. WHITAKER, 0000
CHESTER L. WHITE, 0000
ENNIS C. WHITEHEAD, 0000
TERRY L. WILEY, 0000
DWIGHT S. WILLIAMS, 0000
ROBERT B. WILLIAMS, 0000
JOE D. WILLINGHAM, 0000
BRUCE A. WILSON, 0000
PATRICK D. WILSON, 0000
MILTON H. WINGERT, 0000
JAMES D. WISENBAKER, 0000
RICHARD A. WOJEWODA, 0000
BARRY W. WOODRUFF, 0000
WILLIAM K. WOODS, 0000
FRANK H. WRIGHT, 0000
ROBERT E. WRIGHT, 0000
WALTHER R. WROBLEWSKI, 0000
ARTHUR C. ZULEGER, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT IN THE MEDICAL CORPS OR DENTAL CORPS (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C. SECTIONS 624, 531 AND 3064:

To be colonel

GREGG T. ANDERS, 0000
WILLIAM C. ANDOLSEK, 0000
SAMUEL J. ANGULO, 0000
RANDALL, N. BALL, 0000
LINDA C. BASQUILL, 0000
JAMES M. BAUNCHALK, 0000
ERIC W. BERG III, 0000
WENDY B. BERNSTEIN, 0000
ROBERT W. BLOCK, 0000
GEORGE K. BUMGARDNER, 0000
THOMAS J. BURKE, 0000
DAVID G. BURRIS, 0000
THEODORE J. CIESLAK, 0000
MICHAEL V. CLARK, 0000
JEFFREY B. CLARK, 0000
ANNE M. COMPTON, 0000
*MARSHALL R. COX, 0000
STEPHEN C. CRAIG, 0000
JOHN S. CROWLEY, 0000
RUSSELL J. CZERW, 0000
DON J. DANIELS, 0000
DANIEL R. DAVIDSON, 0000
BERNARD L. DEKONING, 0000
MAX B. DUNCAN, JR., 0000
DIRK M. ELSTON, 0000
RAYMOND J. ENZENAUER, 0000
VINCENT D. EUSTERMAN, 0000
BRIAN D. FITZPATRICK, 0000
DANIEL T. FITZPATRICK, 0000
DONALD W. FOSTER, 0000
MARK S. FOSTER, 0000
KARL K. FURUKAWA, 0000
BETTY G. GALVAN, 0000
DAVID A. GALVAN, 0000
MONROE M. GINSBURG, 0000
GLENN A. GREENE, 0000
PATRICE E. GREENE, 0000
ROBERT M. GUM, 0000
JEFFREY D. GUNZENHAUSER, 0000
TAM S. HAGER, 0000
PRISCILLA H. HAMILTON, 0000
ELIZABETH A. HANSEN, 0000
JOHN W. HELLSTEIN, 0000
KENT C. HOLTZMULLER, 0000
WAYNE T. HONEYCUTT, 0000
THOMAS M. HOWARD, 0000
JEFFREY M. HRUTKAY, 0000
WALTER J. HUBICKEY, 0000
GREGORY A. JACKLEY, 0000
FRANK J. JAHNS, 0000
FREDERIC L. JOHNSTONE, 0000
JAMES G. JOLISSAINT, 0000
LEE W. JORDAN, 0000
CHRISTOPH R. KAUFMANN, 0000
KRAIG K. KENNY, 0000
JAMES J. LEECH, 0000
THOMAS B. LEFLER, 0000
DAWN E. LIGHT, 0000
PAUL B. LITTLE, JR., 0000
ROBERT W. LUTKA, 0000
JEFFREY O. LUZADER, 0000
ROBERT C. LYONS, 0000
ALBERT M. MANGANARO, 0000
ROBERT A. MAZZOLI, 0000
JOHN T. MC BRIDE, JR., 0000
MARKUS F. MC DONALD, 0000
MARK N. MC DONALD, 0000
JAMES A. MORGAN 0000
JUDD W. MOUL, 0000
THEODORE S. NAM, 0000
*JONATHAN NEWMARK, 0000
KATHLEEN M. NORTHWILHELM, 0000
JAMES M. OLSEN, 0000
JOHN R. OLSEN, 0000
FRANK E. ORR, 0000
CAROLE A. ORTENZO, 0000
DANIEL R. OUELLETTE, 0000
MICHAEL A. PASQUARELLA, 0000
*WILLIAM R. PATTON, 0000
JOHN D. PITCHER, JR., 0000
RONALD K. POROPATICH, 0000
JOHN A. POWELL, 0000
MYSORE K. PRASANNA, 0000
DONN R. RICHARDS, 0000
*PAUL S. RUBLE, 0000
LEONORA O. SHAW, 0000
BRION C. SMITH, 0000
BONNIE L. SMOAK, 0000
STEVEN W. SWANN, 0000
LOUIS J. TALOUMIS, 0000
ALLEN B. THACH, 0000
STEVAN H. THOMPSON, 0000
GEORGE E. TOLSON IV, 0000
CHRISTOPHER TROMARA, 0000
CLYDE A. TURNER, 0000
JOHN M. UHORCHAK, 0000
DAVID J. VESELEY, 0000
ANN S. VONGONTEN, 0000
HARRY L. WARREN, 0000
GLENN M. WASSERMAN, 0000
*RAYMOND W. WATTERS, 0000
ROBERT M. WEAVER, 0000
ROBERT J. WILHELM, 0000
CRAIG C. WILLARD, 0000
CRAIG J. WILLIAMS, 0000
CARL C. YODER, 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

MILTON J. STATON, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

STEPHEN W. AUSTIN, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

WILLIAM S. TATE, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

ROBERT S. BARR, 0000

THE FOLLOWING NAMED LIMITED DUTY OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

JOHN C. LEX, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

LANCE A. MCDANIEL, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

JOSEPH M. PERRY, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

MYRON P. EDWARDS, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE IN ACCORDANCE WITH SECTION 12203 OF TITLE 10, U.S.C.:

MEDICAL CORPS

To be captain

DOUGLAS L. MAYERS, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTIONS 618 AND 628:

To be commander

ERROL F. BECKER, 0000
EDUARDO R. MORALES, 0000

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR A REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 2114:

To be captain

ROBERT S. ANDREWS, 0000
KARYN J. AYERS, 0000
KAREN M. AYOTTE, 0000
RICHARD W. BENTLEY, 0000
SCOTT R. BISHOP, 0000

DENNIS F. BOND, II, 0000
BRETT D. BRIMHALL, 0000
JEFFREY S. BUI, 0000
SCOT E. CAMPBELL, 0000
FRANCIS R. CARANDANG, 0000
GABRIELLA CARDOZAFAVARATO, 0000
THERESA L. CASTROSMITH, 0000
HEATHER M. CURRIER, 0000
JAMISON W. ELDER, 0000
GARY J. FRENCH, 0000
DOUGLAS S. FRENIA, 0000
KELLY D. GAGE, 0000
JAMIE D. GLOVER, 0000
DAVID D. GOVER, 0000
BARRY J. GREER, 0000
DERRICK A. HAMAOKA, 0000
MATTHEW P. HANSON, 0000
HEATHER M. JONES, 0000
TONY S. KIM, 0000
MARK W. KOLASA, 0000
GREGORY D. KOSTUR, 0000
ELLA B. KUNDU, 0000
NIRVANA KUNDU, 0000
JONATHAN V. LAMMERS, 0000
PAULETTE D. LASSITER, 0000
KJERSTI A. MARIUS, 0000
ROBERT A. MAXEY, 0000
JOHN D. MC ARTHUR, 0000
THERESA B. MC FALL, 0000
REINALDO J. MORALES, 0000
ELAINE M. MUNITZ, 0000
BRETT R. NISHIKAWA, 0000
SARAH M. PAGE, 0000
PATRICIA A. PANKEY, 0000
JUDITH E. PECK, 0000
ALYSSA C. PERROY, 0000
BRIAN J. PICKARD, 0000
GEOFFREY T. SASAKI, 0000
STEPHEN E. SCRANTON, 0000
TERESA P. SIMPSON, 0000
ERIKA J. STRUBLE, 0000
GREGORY B. SWEITZER, 0000
WARREN W. THIO, 0000
PATRICK J. THOMPSON, 0000
DANIEL R. WALKER, 0000
MAUREEN N. WILLIAMS, 0000
LEE T. WOLFE, 0000
ROGER A. WOOD, 0000
DAVID J. ZOLLINGER, 0000

IN THE AIR FORCE

The following named Air National Guard of the United States officers for appointment to the grade indicated in the Reserve of the Air Force under title 10, U.S.C., sections 12203 and 12212:

To be colonel

RICHARD L. AYERS, 0000
JAMES W. BAILEY, 0000
ROBERT E. BATTERMAN, 0000
RONALD L. BENWARD, 0000
ELLIS D. BOLING, 0000
RONALD C. BROWN, 0000
JEAN L. BRUMMER, 0000
BARRY J. BRUNS, 0000
GENE T. BUSHEY, 0000
V. SANDY CAIN, 0000
DANIEL F. CALLAHAN III, 0000
HIGINIO S. CHAVEZ, 0000
CHARLES W. COLLIER, JR., 0000
JILL C. COLLINS, 0000
BARRY K. COLN, 0000
DAVID M. COPE, 0000
JOHN A. CORSARO, JR., 0000
JON J. CRAM, 0000
MICHAEL E. CRIDER, 0000
MARK L. DOOLITTLE, 0000
CHARLES E. ERDMANN II, 0000
ROBERT L. FERGUSON, 0000
GREGORY A. FICK, 0000
MARIE T. FIELD, 0000
EDWARD R. FLORA, 0000
FREDERICK C. GANSKE, 0000
ROBERT J. GLITZ, 0000
ORLANDO R. GONZALEZ, 0000
WILLIAM H. GOODWIN, 0000
RICHARD D. GRAYSON, 0000
JERRY G. GREENE, 0000
JAMES E. GROGAN, 0000
THOMAS F. HAASE, 0000
MICHAEL L. HAPPE, 0000
DAVID K. HARRIS, 0000
GARY N. HARVEY, 0000
DONALD A. HAUGHT, 0000
STEPHEN R. HICKS, 0000
MICHAEL J. HILDER, 0000
HAROLD J. HUDEN, 0000
BILLY M. JAMES, 0000
GEORGE R. JERNIGAN III, 0000
WILLIAM B. JERNIGAN, 0000
CHARLES E. JOHNSON, 0000
STEVEN N. JONES, 0000
JOSEPH J. KAHOE, 0000
MARK L. KALBER, 0000
CHARLES E. KING, 0000
PAULA E. KOUGEAS, 0000
RONALD J. LAMBERT, 0000
MICHAEL A. LARSON, 0000
ULAY W. LITTLETON, JR., 0000
THOMAS G. LOFLIN, 0000
DENNIS R. MALONE, 0000
ROBERT K. MARR, JR., 0000
RONALD H. MARTIN, 0000
JOHN D. MCDONALD, 0000
EDWIN R. MIYAHIRA, 0000
DAVID C. MOREAU, 0000
MATTHEW J. MUSIAL, 0000
NAJ S. NAGENDRAN, 0000
PROINNSIAS OCROININ, 0000
RICHARD G. OELKERS, 0000
ZETTIE D. PAGE, 0000
WILLIAM J. PATTON, 0000
ELLARD J. PEXA, JR., 0000
CARL G. PICCOTTO, 0000
RONALD D. PIENING, 0000
RILEY P. PORTER, 0000
DAVID N. POWELL, 0000
KENNETH S. PRATT, 0000
MARTHA T. RAINVILLE, 0000
RICHARD L. RAYBURN, 0000
MICHAEL D. REDMAN, 0000
PAUL J. RICHTER, 0000
WAYNE A. ROSENTHAL, 0000
CHARLES E. SAVAGE, 0000
WILLIAM M. SCHUESSLER, 0000
WILLIAM W. SHILTON, 0000
WILLIAM J. SINNES, JR., 0000
WILLIAM P. SKAINS, 0000
ROBERT J. STACK, 0000
JOHN M. STEELE, 0000
EDMUND H. STERN, 0000
CLOYD F. VANHOOK, 0000
MIRIAM O. VICTORIAN, 0000
MICHAEL H. WEAVER, 0000
TIMOTHY A. WEAVER, 0000
RAYMOND H. WILLCOCKS, 0000
WILLARD K. WINDSOR, 0000
VICTOR E. WINEGAR II, 0000
GARY A. WINGO, 0000
WILLIAM C. WOOD, 0000

IN THE AIR FORCE

The following named officers for appointment to the grades indicated in the United States Air Force and for Regular appointment (identified by an asterisk (*) under title 10, U.S.C., sections 624 and 531:

To be colonel

PETER C. ANTINOPOULOS, 0000
*RAMON A. ARROYOPADRO, 0000
DAVID P. ASCHER, 0000
JOHN S. BAXTER, 0000
CHARLES W. BEADLING, 0000
*ROBERT N. BERTOLDO, 0000
JOHN R. BETTINESCHI, JR., 0000
*JAMES C. BLOOM, 0000
GARY A. BRAUN, 0000
GREGORY C. BROWNING, 0000
*ROBERT M. BUCHSBAUM, II, 0000
*JAMES E. BURTON, III, 0000
CAREY M. CAPELL, 0000
*WALTER R. CAYCE, 0000
STEVEN L. CHAMBERS, 0000
DAVID G. CHARLTON, 0000
JAMES L. COCKLIN, 0000
CARY J. CUNNINGHAM, 0000
CHARLES F. DEFREEST, 0000
PETER F. DEMITRY, 0000
GLENN E. DICKEY, 0000
*WILLIAM E. DREW, 0000
EDWARD O. ERKES, 0000
STEVEN C. FENZL, 0000
WILLIAM L. FOLEY, 0000
*DOUGLAS C. FULLER, 0000
MARY E. GABRIEL, 0000
*ROBERT A. GARDNER, 0000
ROBERT J. GILLEN, III, 0000
BRENT L. GILLILAND, 0000
SCOTT E. GRAY, 0000
*LINDA J. GRIFFITH, 0000
CHARLES K. HARDIN, 0000
BYRON C. HEPBURN, 0000
WILLIAM G. HUGHES, 0000
*MARK G. JANCZEWSKI, 0000
DANIEL J. JANIK, 0000
GEORGE P. JOHNSON, 0000
ANTHONY A. KAMP, 0000
STEPHEN M. KINNE, 0000
ANDREW R. KIOUS, 0000
DEBORAH A. KRETZSCHMAR, 0000
MAUREEN E. LANG, 0000
*BRECK J. LEBEGUE, 0000
*JANICE L. LEE, 0000
*KARL E. LEE, 0000
JULIAN C. LEVIN, 0000
*MARK F. LUPPINO, 0000
*CHARLES W. MACKETT, 0000
STEPHEN F. MANCHESTER, 0000
HOWARD T. MCDONNELL, 0000
FRANK W. MEISSNER, 0000
MICHAEL C. MERWIN, 0000
ANDREW J. MESAROS, JR., 0000
*GRAIG E. MILLER, 0000
NICHOLAS J. MINIOTIS, 0000
*RANDALL J. MOORE, 0000
ROBERT A. MUNSON, 0000
*MARK T. NADEAU, 0000
GUY M. NEWLAND, 0000
ALAN E. PALMER, 0000
JON R. PEARSE, 0000
WILLIAM F. PIERPONT, 0000
ALTON W. POWELL, III, 0000
RHETT M. QUIST, 0000
MIGUEL A. RAMIREZCOLON, 0000
*BRIAN H. REED, 0000
LAWRENCE M. RIDDLES, 0000
*DOUGLAS J. ROBB, 0000
*ODES B. ROBERTSON, JR., 0000
*JAMES R. RUNDELL, 0000
ROBERT SABATINI, 0000
SCOTT A. SCHWARTZ, 0000
*LEIGH A. SCHWIETZ, 0000
RANDY A. SHAFFER, 0000
PHILIP M. SHUE, 0000
*ANTONIA SILVAHALE, 0000
ALAN T. SMITH, 0000
BRUCE D. SMITH, 0000
OTHA L. SOLOMON, JR., 0000
*TERESA J. SOMMESE, 0000
STANLEY H. STANCIL, 0000
PAUL S. STONER, JR., 0000
*WILLIAM S. SYKORA, 0000
STEVEN J. THOMSON, 0000
ERIK M. TJELMELAND, 0000
*ANTHONY J. VANGOOR, 0000
JOHN H. WAGONER, 0000
GARY M. WALKER, 0000
JANET M. WALKER, 0000
PETER T. WALSH, 0000
*JAMES M. WATSON, 0000
MARSHALL L. WONG, 0000
DANIEL O. WYMAN, 0000

To be lieutenant colonel

*CAMERON D. ANDERSON, 0000
JOSEPH B. ANDERSON, 0000
*ELEANOR E. AVERY, 0000
*JOHN M. BALDAUF, 0000
*STEVEN L. BARTEL, 0000
BRANTLY W. BAYNES, 0000
RICHARD M. BEDINGHAUS, 0000
*WILLIAM BENINATI, 0000
*STEPHEN J. BERCSI, 0000
*EUGENE V. BONVENTRE, 0000
*EDGAR M. BOYD, JR, 0000
*TIMOTHY L. BRAY, 0000
*SIDNEY B. BREVARD, 0000
IRVIN P. BROCK III, 0000
*SUSAN A. BROWN, 0000
*RUDOLPH CACHUELA, 0000
*MATTHEW T. CARPENTER, 0000
*TIMOTHY D. CASSIDY, 0000
*STANLEY E. CHARTOFF, 0000
*JOSEPH P. CHOZINSKI, 0000
JOHN R. CHU, 0000
*MICHAEL J. CLAY, 0000
*KENNETH A. CONNER, 0000
*RICKY D. COOK, 0000
*PAULA A. CORRIGAN, 0000
*LISA D. CURCIO, 0000
RICHARD T. DAHLEN, 0000
*RICHARD DEMME, 0000
*ROBERT C. DESKO, 0000
*HAROLD D. DILLON III, 0000
*MARCEL V. DIONNE, 0000
MICHAEL C. EDWARDS, 0000
THOMAS A. ERCHINGER, 0000
*JAMES A. FIKE, 0000
JOHN R. FISCHER, 0000
*MARCUS S. FISHER, 0000
*LES R. FOLIO, 0000
*VINCENT P. FONSECA, 0000
*ROBERT T. GILSON, 0000
*JEFFERSON H. HARMAN, JR., 0000
*LEE WAYNE HASH, 0000
*PAUL A. HEMMER, 0000
*SANDRA J. HERRINGTON, 0000
STEVEN M. HETRICK, 0000
LEWIS A. HOFMANN, 0000
LAWRENCE H. HOOPER, JR., 0000
*CONSTANCE A. HUFF, 0000
LESTER A. HUFF, 0000
DONALD H. JENKINS, 0000
*JEFFREY P. JESSUP, 0000
ROBERT M. KRUGER, 0000
MICHAEL J. KUCSERA, 0000
*KEVIN A. LANG, 0000
MARY R. LANZA, 0000
PHILIP J. LAVALLEE, 0000
*LINDA L. LAWRENCE, 0000
*KENNETH S. LEFFLER, 0000
*JOHN M. LEIB, 0000
*NICHOLAS G. LEZAMA, 0000
JEROME P. LIMOGE, JR., 0000
SCOTT A. MACKEY, 0000
*SUZANNE M. MALIS, 0000
*CURTIS M. MARSH, 0000
MARK E. MAVITY, 0000
*KIMBERLY P. MAY, 0000
SCOTT A. MAZANEC, 0000
*BRENT S. MC CLENNY, 0000
*JOHN S. MC CULLOUGH, 0000
*CHRISTIANNE M.R. MC GRATH, 0000
JOHN P. MC PHILLIPS, 0000
*PAUL D. MC WHIRTER, 0000
*GREGORY K. MEEKIN, 0000
*PATRICIA A. MEIER, 0000
*KARL L. MEYER, 0000
*MICHAEL G. MILLER, 0000
ROBERT I. MILLER, 0000
JOHN MIRABELLO, 0000
*JON D. MOLIN, 0000
*STEPHAN G. MORAN, 0000
KYLE C. NUNLEY, 0000
*JOHN M. NUSSTEIN, 0000
*KENNETH N. OLIVIER, 0000
*GUILLERMO E. ORRACA, 0000
*MICHAEL B. OSSWALD, 0000
*GREGORY R. OWENS 0000
KERRY B. PATTERSON 0000
*TIMOTHY O. PFEIFFER 0000
*CHRISTOPHER J. PHILLIPS 0000
EDWIG K. PLOTNICK 0000
WAYNE M. PRITT 0000

*JAMES M. QUINN 0000
*JOEL L. RAUTIOLA 0000
*MARK W. RICHARDSON 0000
MATTHEW R. RICKS 0000
JOSEPH L. RUEGEMER 0000
*BRIAN W. RUSS 0000
*SCOTT A. RUSSI 0000
LINDA M. SAKAI 0000
BRIAN P. SCHAFER 0000
CATHY J. SCHOORENS 0000
*STEPHEN M. SCHUTZ 0000
*RAYMOND A. SCHWAB III, 0000
*MICHAEL L. SHAPIRO 0000
*ARVIND M. SHENOY 0000
ROBERT D. SHUTT 0000
*GREGG S. SILBERG 0000
*MARK A. SLABBEKOORN 0000
*DANIEL B. SMITH 0000
DAVID L. SMITH 0000
*MICHAEL R. SNEDECOR 0000
*DAVID G. SORGE 0000
*THERESA B. SPARKMAN 0000
ANDREW J. STASKO 0000
*RAYMOND M. STEFKO 0000
DAVID E. SULLIVAN 0000
DOUGLAS J. SWANK 0000
*WILLIAM S. TANKERSLEY 0000
TAMA R. VANDECAR 0000
WALTER D. VAZQUEZ 0000
JAY L. VIERNES 0000
*LANE L. WALL 0000
LINDA M. WANG 0000
SCOTT A. WEGNER 0000
*JAMES H. WELCH 0000
DAVID L. WELLS 0000
*DELANO D. WILSON 0000
*JOE B. WISEMAN 0000
*ANDREW KI WONG 0000
KONDI WONG 0000
GAVIN S. YOUNG 0000

To be major

NINA J. ABRANSON 0000
SEAN C. ADELMAN 0000
SURESH M. ADVANI 0000
DALE M. AHRENDT 0000
JOHN G. ALBERTINI 0000
CHRISTOPHER S. ALLEN 0000
RICHARD L. ALLEN 0000
JANICE M. ALLISON 0000
MARVIN D. ALMQUIST 0000
ZENAIDA M. ALONSO 0000
MARIA T. ANDERSON 0000
MELVER L. ANDERSON III, 0000
WENDY A. ANGELO 0000
MICHAEL J. ARMSTRONG 0000
RUTH E. ARNOLD 0000
SIMA C. ARTINIAN 0000
LUIS A. ARTURI 0000
DONALD E. ASPENSON 0000
PAUL L. BAKER 0000
KRISTEN D. BARNETTE 0000
BRIAN R. BAXTER 0000
STEVEN L. BAYER 0000
WILLIAM D. BEABER 0000
DOUBLAS P. BEALL 0000
SHANNON L. BEARDSLEY 0000
BETH E. BECK 0000
NEAL L. BEIGHTOL 0000
JOHN T. BELD 0000
DAVID J. BELFIE 0000
BARBRA R. BELL 0000
DEBORAH S. BELSKY 0000
ASHLEY B. BENJAMIN 0000
ELAINE B. BEPPEL 0000
TROY W. BISHOP 0000
JOSE M. BISQUERRA 0000
FREDERIC L. BLACK 0000
CATHERINE A. BOBENRIETH 0000
JON F. BODE 0000
MICHAEL W. BOETTCHER 0000
ALBERT H. BONNEMA 0000
MARK E. BOSTON 0000
JOSEPH P. BOUVIER, JR., 0000
RUDY M. BRAZA 0000
ANTHONY J. BROTHERS 0000
KEVIN D. BROWN 0000
PAMELA A. BROWN 0000
TIMOTHY M. BROWN 0000
ANNETTE M. BRUNETTI 0000
DANIEL B. BRUZZINI 0000
KEVIN L. BURNS 0000
VICTOR BYKOV 0000
DANIEL V. CAHOON 0000
HEATHER L. CALLUM 0000
RICHARD J. CARROLL 0000
PAUL CASEY 0000
MEREDITH S. CASSIDY, 0000
SCOTT E. CAULKINS, 0000
MINA CHA, 0000
PETER J. CHANDLER, 0000
EUGENE Y.M. CHANG, 0000
ROBERT C.Y. CHEN, 0000
SEBASTIAN F. CHERIAN, 0000
ERIC M. CHUMBLEY, 0000
MICHAEL H. CLARK, 0000
WILLIAM A. CLINE, 0000
WILLIAM D. CLOUSE, 0000
ROBERT E. CONNELL, 0000
RANDY I. COOPER, 0000
BRIAN C. COYNE, 0000
JOSPEH M. COZZOLINO, 0000
RANDOLPH K. CRIBBS, 0000
TODD S. CROCENZI, 0000
KARRIE A. CUNNINGHAM, 0000
PETER J. CURRAN, 0000
RACHEL L. CURTIS, 0000
ROBERT S. CUTRELL, 0000
LYNN M. CZEKAI, 0000
MARCI L. DABBS, 0000
MICHAEL DAVIS, 0000
ANTHONY S. DEE, 0000
MARK C. DELEON, 0000
PIETRA ANGELO A. DELLA, 0000
RICHARD C. DERBY, 0000
CAROLINE C. DEWITT, 0000
JOHN P. DICE, 0000
DANIEL S. DIETRICH, 0000
DANIEL R. DIRNBERGER, 0000
CAROL C. DOMBRO, 0000
ANTHONY A. DONATO, JR., 0000
CHRISTOPHER J. DORVAULT, 0000
RODNEY J. DUFF, 0000
MICHAEL C. DUMARS, 0000
HOLLY A. DUNN, 0000
MARY BETH DURBIN, 0000
JAMES W. ELLIOTT, 0000
KELCEY D. ELSASS, 0000
WILLIAM P. ELSASS, 0000
ANTONIO J. EPPOLITO, 0000
BRUCE A. ERHART, 0000
BASSAM M. FAKHOURI, 0000
JENNIFER S. FALK, 0000
GERALD F. FARNELL, 0000
JAMES A. FEIG, 0000
EARL E. FERGUSON III, 0000
STEPHEN I. FISHER, 0000
MICHAEL J. FITZPATRICK, 0000
MARC W. FLICKINGER, 0000
CRAIG L. FOLSOM, 0000
MELETIOS J. FOTINOS, 0000
THOMAS G. FRASER, 0000
DIXON L. FREEMAN, 0000
DON A. FROST, 0000
TIMOTHY A. FURSA, 0000
GEOFFREY P. GALGO, 0000
JEFFREY M.B. GALVIN, 0000
DEBORAH M. GARRITY, 0000
K. PAUL GERSTENBERG, 0000
JONATHAN V. GILES, 0000
JAMES M. GLASS, 0000
GITTLE G. GOODMAN, 0000
DAVID S. GREGORY, 0000
MARK D. GREGSTON, 0000
LINDA E.M. GRISMER, 0000
CLIFFORD N. GROSSMAN, 0000
VILLA L. GUILLORY, 0000
PAUL D. GUISLER, 0000
DARLENE R. HACHMEISTER, 0000
WILLIAM L. HAITH, JR., 0000
CHRISTINE L. HALE, 0000
REID B. HALES, 0000
MITCHELL F. HALL, 0000
DAVID B. HAMMER, 0000
DAWN M. HANSEN, 0000
LORNELL E. HANSEN, 0000
ROBERT W. HARRINGTON, 0000
BRADFORD N. HATCH, 0000
CRAIG M. HAUSER, 0000
CODY L. HENDERSON, 0000
JOHN S. HENRY, 0000
ALDEN D. HILTON, 0000
DIRK R. HINES, 0000
ROBERT C. HINKLE, 0000
DAVID W. HIRSHFIELD, 0000
DAVID E. HJERPE, 0000
ROBERT G. HOLCOMB, 0000
YUHOE HONG, 0000
GRACE L. HONLES, 0000
BARRY E. HORNER, 0000
CHRISTINE L. HOROWITZ, 0000
STUART W. HOUGH, 0000
BOBBY C. HOWARD, 0000
THOMAS HUANG, 0000
RICHARD N. HUDON, 0000
MICHAEL L. HUGHES, 0000
RICHARD J. HUGHES, 0000
VICTORIA R. HUGHES, 0000
KEITH W. HUNSAKER, 0000
STEPHEN A. HUSSEY, 0000
LISA R. HYNES, 0000
CANDACE L. IRETON, 0000
BERNARD V. JASMIN, 0000
BRIAN V. JOACHIMS, 0000
CHARLES E. JOHNSON, 0000
STEPHEN B. JONES, 0000
STEPHEN C. JONES, 0000
MICHAEL W. KADRMAS, 0000
DAPHNE J. KAREL, 0000
JAMES A. KEENEY, 0000
MATTHEW P. KELLY, 0000
SAMUEL S. KELLY, 0000
STEVEN M. KELLY, 0000
CAROLINE H. KENNEBECK, 0000
JEFFREY A. KERRLAYTON, 0000
JOHN W. KERSEY, JR., 0000
JILL R. KESTEN, 0000
DAVID H.T. KIM, 0000
CURTIS D. KING, 0000
KAREN A. KLAWITTER, 0000
MOLLY E. KLEIN, 0000
LESLIE A. KNIGHT, 0000
THOMAS J. KNOLMAYER, 0000
ERIK K. KODA, 0000
CLARICE H. KONSHOK, 0000
THOMAS C. KRIVAK, 0000
STEPHANIE J. KRUSZ, 0000
JOHN A. KUTZ, 0000
TERI A. KYROUAC, 0000
LOAN N. LAI, 0000
DAVID M. LAIRD, 0000
CRAIG L. LASTINE, 0000
STEVEN E. LATULIPPE, 0000
MICHAEL S. LAUGHREY, 0000
BRADLEY J. LAWSON, 0000
MOON H. LEE, 0000
STEVE K. LEE, 0000
HENRY T. LEIS, 0000
ROBERT P. LEMMON, 0000
ERNEST C. LEWIS, 0000
MICHAEL C. LILLY, 0000
ALEXANDER J. LIM, 0000
IAN Y.H. LIN, 0000
TODD A. LINCOLN, 0000
PAUL I. LINDNER, 0000
TAMMY J. KINDSAY, 0000
JOHN G. LINK, 0000
JOHN J. LINNETT, 0000
DOUGLAS W. LITTLE, 0000
MARCIA LIU, 0000
WARREN YVETTE M. LOPEZ, 0000
LAURIE P. LOVELY, 0000
PATRICK D. LOWRY, 0000
MARK A. LUFF, 0000
JOHN C. LUNDELL, 0000
IAN T. LYN, 0000
ERIC M. MADREN, 0000
ORLANDO R. MAGALLANES, 0000
MICHAEL J. MAJORS, 0000
SCOTT C. MALTHANER, 0000
JEROME J. MANK, 0000
MICAELA J. MANLEY, 0000
KELLY W. MANNING, 0000
TAJA ANASTASIA MANUSELIS, 0000
SANFORD K. MARCUSON, 0000
DANIEL S. MARTINEAU, 0000
BRUCE S. MATHER, 0000
JEFFREY S. MAYER, 0000
RICHARD J. MAYERS, 0000
TIMOTHY J. MAZZOLA, 0000
THOMAS J. MC BRIDE, 0000
JAMES M. MC CARTHY, 0000
JEFFREY A. MC CRAW, 0000
ARCHIE R. MC GOWAN, 0000
TIMOTHY A. MC GRAW, 0000
DAVID E. MC HORNEY, 0000
STEPHEN H. MEERSMAN, 0000
JAROD, MENDEZ, 0000
JOHN P. METZ, 0000
MAUREEN V. METZGER, 0000
ANTHONY J. MEYER, 0000
DEBORAH A. MILKOWSKI, 0000
CAROLINE R. MILLER, 0000
LORN S. MILLER, 0000
TROY A. MILLICAN, 0000
MATTHEW H. MILLIGAN, 0000
DOUGLAS MILLS, 0000
ANDREW P. MINIGUTTI, 0000
DAVID M. MIRANDA, 0000
DAVID E. MITCHELL, 0000
GARTH G. MOON, 0000
BRIAN A. MOORE, 0000
KENNETH P. MOORE, 0000
SCOTT A. MOORE, 0000
SCOTT W. MOSS, 0000
DIANE M. MRAVA, 0000
TRISTI W. MUIR, 0000
JOHN P. MULLOY, 0000
KEVIN A. MURPHY, 0000
JOHN L. MUSA, 0000
ROBERT NEE, 0000
ALAN R. NEEFE, 0000
JOHN F. NEELY, 0000
DOROTHY DN NGUYEN, 0000
MARK E. NICHOLS, 0000
ROBERT A. NIDEA, 0000
MARY L. NIEDZWIECKI, 0000
PATRICK G. NORTHUP, 0000
STEVEN L. NOVICK, 0000
MARK E. NUNES, 0000
DUANE A. OETMAN, 0000
LISA A. OLSEN, 0000
DEBORAH L. ORNSTEIN, 0000
GLENN L. OSIAS, 0000
ENDER S. OZGUL, 0000
JACOB E. PALMA, 0000
BRETT L. PARRA, 0000
JOEL J. PAULINO, 0000
TRENT L. PAYNE, 0000
CHRISTOPHER S. PEAD, 0000
SALVATORE PELLIGRA, 0000
JOSEPH D. PENDON, 0000
JON PERLSTEIN, 0000
ANTHONY T. PERRIN, 0000
STEVEN E. PFLANZ, 0000
NAMTRAN H. PHAM, 0000
PEERACH P. PHERMSANGNGAM, 0000
DAN E. PHILLIPS, 0000
THADDEUS H. PHILLIPS, III, 0000
ROBERT H. PIERCE, 0000
BRIAN S. PINKSTON, 0000
JULIE A. PLUMBLEY, 0000
AARON C. POHL, 0000
MARK A. POSTLER, 0000
GERALD A. PRICE, 0000
SCOTT C. PRICE, 0000
THOMAS A. PRIVETT, 0000
FRANCES J. PUCHARICH, 0000
PAUL M. PULCINI, 0000
DAN W. PULSIPHER, 0000
IRFAN M. RAHIM, 0000
DAVID P. RAIKEN, 0000
PEAL RAMSER, 0000
DEBORAH RASCOE, 0000
LEROY M. RASI, 0000
KAREN V. RAY, 0000
RICHARD R. REINHOLTZ, 0000
PETER F. RESNICK, 0000
ROCKY R. RESTON, 0000
MATTHEW G. RETZLOFF, 0000

KAREN G. REYNOLDS, 0000
TAMARA D. RICE, 0000
MICHAEL A. RIPLEY, 0000
JULIA RIVERAFIGUEROA, 0000
KIP D. ROBINSON, 0000
GUILLERMO ROBLES, 0000
JACK F. ROCCO, 0000
RITA R. RODRIGUEZ, 0000
BRIAN J. ROGERS, 0000
STEVEN M. ROSS, 0000
LAWRENCE E. ROTH, 0000
KRISTIN M. RYAN, 0000
WANDA L. SALZER, 0000
AMARYLLIS E. SANCHEZWOHLEVER, 0000
DAVID S. SAPERSTEIN, 0000
DAVID A. SARNOW, 0000
CENGIZ P. SATIR, 0000
THOMAS J. SATRE, 0000
AHMET R. SAYAN, 0000
SANDRA M. SAYSON, 0000
GARY V. SCALFANO, 0000
KATHLEEN H. SCARBROUGH, 0000
BRIAN C. SCHAFER, 0000
MARK G. SCHERRER, 0000
ANDRE C. SCHOEFFLER, 0000
CHRISTOPHER D. SCHULTEN, 0000
RACHEL L. SCHWAB, 0000
JEFFREY S. SEAMAN, 0000
RANDELL J. SEHRES, 0000
STACY A. SHACKELFORD, 0000
JONATHAN I. SHEINBERG, 0000
PAUL M. SHERMAN, 0000
KRISTIN M. SHINNICK, 0000
DANIEL A. SHOOR, 0000
FREDERICK W. SHULER, 0000
TODD B. SILVERMAN, 0000
MICHAEL D. SIMMONS, 0000
STEVEN B. SLOAN, 0000
BARRY C. SMITH, 0000
TRACY T. SMITH, 0000
WENDELL R. SMITH, 0000
DENISE MARIE SOJOURNER, 0000
JEFFERY T. SORENSEN, 0000
KENNETH E. SPARR, 0000
SCOTT M. STALLINGS, 0000
LLOYD E. STAMBAUGH, 0000
GREGORY W. STAMNAS, 0000
BRIAN K. STANSELL, 0000
JANETTE MARIE STEPHENSON, 0000
PETER J. STEVENSON, 0000
CHARLES A. STOCK, 0000
ANTHONY C. STONE, 0000
JAMES B. STOWELL, 0000
SCOTT M. STRAYER, 0000
DAVID C. STREITMAN, 0000
MARK E. STURGILL, 0000
GEORGE A. SWANSON, 0000
PAUL B. SWANSON, 0000
BRIAN F. SWEENEY, JR., 0000
CLIFFORD F. SWEET, 0000
SETH H. SWITZER, 0000
HORNE JILL R. TALLEY, 0000
SARADY TAN, 0000
DONOVAN N. TAPPER, 0000
JON C. TAYLOR, 0000
ERIC L. THOMAS, 0000
SHALZ JENNIFER A. THOMPSON, 0000
JAMES C. THRIFFILEY, 0000
EDWARD B. TIENG, 0000
JAMES TING, 0000
BRADLEY M. TURNER, 0000
CHRISTOPHER M. UNTCH, 0000
VLECK MATHEW R. VAN, 0000
PETER J. VANCE, 0000
TIMOTHY E. VANDUZER, 0000
RICHARD N. VANLEEUWEN, 0000
ETHAN S. VANTIL, 0000
TRACY T. VANTO, 0000
GUS G. VARNAVAS, 0000
JOSEPH K. VAUGHAN, JR., 0000
STEVEN G. VENTICINQUE, 0000
KURT M. VONHARTLEBEN, 0000
CHARLES H. VOSSLER, III, 0000
LYNDA K. VU, 0000
MICHAEL H. VU, 0000
THOMAS H. WAGNER, 0000
WILLIAM F. WALTZ, 0000
DAVID C. WEINTRITT, 0000
MATTHEW A. WELCH, 0000
KELLY N. WEST, 0000
JOHANN S. WESTPHALL, 0000
ERIC D. WILLIAMS, 0000
DAMON S. WIRTH, 0000
STEPHEN C. WISSINK, 0000
FREDERICK G. WOLF, 0000
KIMBERLEY A. WOLOSHIN, 0000
WILBUR P. WONG, 0000
RANDY J. WOODS, 0000
MOLLY L.T. YARDLEY, 0000
CLARENCE B. YATES, 0000
MICHAEL W. YOREK, 0000
ILAN J. ZEDEK, 0000
PETER W. ZIMMER, 0000
ROBERT P. ZIMMERMAN, 0000
GEORGE T. ZOLOVICK, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

ROBERT V. ADAMSON, 0000
ROGER L. ALLEN, 0000
MARIO H. ALVARADO, 0000
FRED R. BAILOR, 0000
WALTER S. BANE, 0000
MARTIN R. BARNARD, 0000
SANDRA J. BARY, 0000
ALVIN BELTON, 0000
MARCIA J. BENJAMIN, 0000
KATRINA K. BENTLEY, 0000
MELVIN BERGER, 0000
WILLIAM S. BERNFELD, 0000
DAVID R. BLACK, 0000
CATHIE S. BRIEN, 0000
JOHN J. BRUGGER, 0000
MICHAEL D. BUNYARD, 0000
PHYLLIS M. BUTZEN, 0000
MARCUS E. CARR, 0000
DONALD A. CAVALLO, 0000
ROBERT M. COSBY, 0000
JOSEFINA CRUZOTERO, 0000
JOHN D. DAVENPORT, 0000
PANAKKAL DAVID, 0000
MARY G. DENTON, 0000
OSCAR S. DEPRIEST, 0000
JOHN L. DILLON, 0000
PETER J. DIPIETRANTONIO, 0000
RICHARD M. DOUGLASS, 0000
ERLAN C. DUUS, 0000
GUSTAVO A. ESPINOSA, 0000
DAVID T. ESTROFF, 0000
RAYMOND E. FAUGHT, 0000
DANIEL F. FLYNN, 0000
WILLIE L. FRAZIER, 0000
CHARLES L. GARBARINO, 0000
CLAUDIA M. GIBSON, 0000
CHARLES M. GILMAN, 0000
AGUSTIN GOMEZ, 0000
MARY J. GRAP, 0000
ROBERTO GUTIERREZ, 0000
ROBERT D. HALL, 0000
MICHAEL R. HERMANS, 0000
CORDELL R. HONRADO, 0000
TIMOTHY M. HUBALIK, 0000
WILLIAM H. HUGHES, 0000
CAROLYN T. HUNT, 0000
LANCE E. HYLANDER, 0000
BRUCE KLOSTERHOFF, 0000
ALLAN J. KOGAN, 0000
GARY E. KOLB, 0000
DONALD H. LAMBERT, 0000
LAWRENCE E. LANDRUM, 0000
STEVEN W. LINDELL, 0000
EDDIE N. LUMPKIN, 0000
MICHAEL A. MADSEN, 0000
ROY S. MAROKUS, 0000
GLORIA J. MARTIN, 0000
ELISABETH MONTAGUE, 0000
DAVID P. MOSCOVIC, 0000
MICHAEL J. MURRAY, 0000
HECTOR L. NEVAREZ, 0000
DOROTHY A. NOVAK, 0000
KATHLEEN E. PAGE, 0000
JAMES H. PARKER, 0000
PAMELA D. PARKER, 0000
JOHN A. PARROTT, JR., 0000
DONALD L. PATRICK, 0000
HERBERT W. PERCIVAL, 0000
MICHAEL D. PERREN, 0000
DOUGLAS A. PETERSON, 0000
WILLIAM J. PHILLIPSEN, 0000
GERALD POLEY, 0000
PATRICIA E. PREVOSTO, 0000
PHILIP D. RABALAIS, 0000
PAUL L. RAGAINS, 0000
JEFFREY M. REINES, 0000
ANGEL A. ROMAN, 0000
DAVID SABBAR, 0000
JOE R. SCHROEDER, 0000
CALINICA O. SEMENSE, 0000
JOSEPH W. SESSION, 0000
DWIGHT Y. SHEN, 0000
GORDON B. STROM, 0000
CAROL A. SWANSON, 0000
THOMAS P. SWEENEY, 0000
KATHLEEN H. SWITZER, 0000
NORMAN J. TONEY, 0000
JOE E. TREVINO, 0000
ROBIN UMBERG, 0000
MARVIN J. VANEVERY, 0000
HOMI B. VANIA, 0000
LOUIS E. WALKER, 0000
JOHN D. WASSNER, 0000
STANLEY J. WHIDDEN, 0000
BETTY J. WILLIAMS, 0000
JOHN E. WILLIAMS, 0000
WAYNE S. YOUNG, 0000
JEFFREY N. YOUNGGREN, 0000
JACK W. ZIMMERLY, 0000

IN THE MARINE CORPS

The following named officers for appointment to the grade indicated in the United States Marine Corps under title 10, U.S.C., section 624:

To be colonel

DAVID J. ABBOTT, 0000
PAUL D. ADAMS, 0000
RANDOLPH D. ALLES, 0000
MICHAEL C. ANDERSON, 0000
STEVEN F. BARILICH, 0000
JOHN T. BOGGS, JR., 0000
GORDON C. BOURGEOIS, 0000
MARK L. BROIN, 0000
TIMOTHY E. BROOKS, 0000
ROY R. BYRD, 0000
ROBERT S. CHESTER, 0000
EUGENE K. CONTI, 0000
JAMES J. COONEY, 0000
ALLEN COULTER, 0000
JOHN T. CUNNINGS, 0000
CHARLES E. DELAIR, 0000
JOHN D. DEWITT, JR., 0000
GILBERT B. DIAZ, 0000
FRANK J. DIFALCO, 0000
SCOTT A. DOYLE, 0000
JOSEPH F. DUNFORD, JR., 0000
MICHAEL DUVA, 0000
STEVEN T. ELKINS, 0000
JOHN T. ENOCH, JR., 0000
STEPHEN M. FENSTERMACHER, 0000
JOHN S. FLANAGAN II, 0000
MARK FREITAS, 0000
VINCENT C. GIANI, 0000
WILLIAM F. GUILFOYLE, 0000
JOHN D. GUMBEL, 0000
CHARLES M. GURGANUS, 0000
PAUL A. HAND, 0000
JON T. HARDWICK, 0000
RODGER C. HARRIS, 0000
BOYETTE S. HASTY, 0000
LARRY D. HUFFMAN, 0000
STEVEN A. HUMMER, 0000
KENNETH A. INMAN, JR., 0000
GAIL E. JENNINGS, 0000
MICHAEL E. KAMPSEN, 0000
DAVID T. KERRICK, 0000
TERENCE K. KERRIGAN, 0000
ROBERT J. KNAPP, 0000
STUART L. KNOLL, 0000
JOHN E. KRUSE, 0000
PAUL L. LADD, 0000
RICHARD M. LAKE, 0000
JOHN L. LEDOUX, 0000
PAUL E. LEFEBVRE, 0000
ALFREDO LONGORIA, JR., 0000
HARRY E. MC CLAREN, 0000
WILLIAM M. MEADE, 0000
JOSEPH V. MEDINA, 0000
RICHARD MINGO, 0000
PATRICK R. MORIARTY, 0000
CHARLES V. MUGNO, 0000
WILLIAM R. MURRAY, 0000
JOSEPH I. MUSCA, 0000
RODERIC S. NAVARRE, 0000
PHILIP L. NEWMAN, 0000
JAMES D. NICHOLS, 0000
GORDON C. O'NEILL, 0000
JAMES A. PACE, 0000
JEFFREY J. PATTERSON, 0000
DAVID H. PEELER, 0000
EUGENIO G. PINO, 0000
PAUL J. PISANO, 0000
JOHN J. RANKIN, 0000
GEORGE E. RECTOR, JR., 0000
JOHN T. REES, 0000
MICHAEL R. REGNER, 0000
GREGORY C. REUSS, 0000
ANGELA SALINAS, 0000
ARTHUR H. SASS, 0000
RICHARD J. SMITH, 0000
ANA R. SMYTHE, 0000
RICHARD W. SPENCER, 0000
MELVIN G. SPIESE, 0000
TERRY G. STEVENS, 0000
THOMAS F. THALER, 0000
JAMES M. THOMAS, 0000
DENNIS C. THOMPSON, 0000
PETER B. TODSEN II, 0000
JOHN A. TOOLAN, JR., 0000
TOMMY L. TYRRELL, JR., 0000
ANTHONY W. VALENTINO, 0000
KEVIN A. VIETTI, 0000
LAWRENCE G. WALKER, 0000
BRADFORD G. WASHABAUGH, 0000
WALTER V. WHITFIELD, 0000
TERRENCE W. WILCUTT, 0000
DAVID M. WINN, 0000
KEVIN H. WINTERS, 0000